

# HARRISON'S REPORTS

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No. 1

### MORE ABOUT THE HAYS PAMPHLET

Just to show you how unfair are some more of the statements in the pamphlet, "The Wholesale Distribution of Motion Pictures," distributed by the Hays Association, let me copy from another part of the book.

Under the heading, "Box Office vs. Social Values in Exhibitor Choice," the pamphlet says partly the following:

"The facts and figures presented in the following pages reveal the scope and direction of exhibitor choice at the present time. The initial tabulations deal with blocks of feature pictures offered for the 1932-33 playing season [August 1, 1932, to July 31, 1933], the latest period for which complete data are available. They are representative of the experience of all the major companies.

"For the season in question, the Fox Film Corporation offered exhibitors the block of 44 feature pictures listed below. The figures in the first column indicate the number of exhibitors who accepted, i.e., signed contracts for, each of the pictures composing it. The picture for which the maximum number of contracts was signed, in this instance STATE FAIR, has been placed at the top of the column. The diminishing volume of contracts obtained for the remaining pictures indicates the widening margin of exhibitors who declined to accept them, in other words, who chose to eliminate them prior to signing a contract for other pictures in the block, in the manner already described.

"The second column of figures shows the number of contracts actually fulfilled in each case. The shrinkage apparent in many instances between the number of contracts signed, in the first column, and the number played, in the second, reflects additional rejections by exhibitors after contracts had been concluded, illustrating the operation of exhibitor choice through the various channels of subsequent selection previously noted."

Then follows a list of Fox pictures that were released in the 1932-33 season; it starts with "State Fair," with 9,490 contracts signed and 9,490 contracts played, and ends with "After the Ball," with 3,101 contracts signed and 2,531 contracts played.

Reading the above statements you will admit that the most shrewd shyster lawyer could not have composed a document whose statements could be either more obscure or have a more decided ambiguousness. I have said in these columns before that the Hays Association takes half truths and so presents them as to make a case, not to people in the motion picture industry, but to laymen, who know nothing about the practices in this industry.

The graduating scale of the contracts in the list will, no doubt, convey to the innocent layman the impression that, although the Fox Film Corporation offered for sale in that season 44 pictures, not all exhibitors bought all 44; some of the pictures were bought by 9,490 exhibitors, whereas some were bought only by 3,101.

That any honorable person would present such arguments to sustain the producer contention that a law that will abolish block booking is not necessary indicates the character of the campaign waged against the Petten-gill Bill.

It is hardly necessary for me to spend much time to convince you that these arguments are specious, having only a small basis of truth. But because other than people connected with the motion picture industry read these articles, I am compelled to state facts that are

known to you only too well, so as to enlighten these people.

I have before me a Fox contract for the 1932-33 season. In studying over the notations I made on it at that time, I find that of the 43 pictures (not 44) sold on it, only ten of the pictures were to be based on well known stories or plays. Of these, only five were delivered as promised; the stories in the other five were changed altogether. Nowhere in the contract is there anything to resemble the story of "After the Ball," the facts of which the author employs to prove to the innocent that either there is block booking or there is not but that the exhibitor is not prevented from cancelling trash pictures.

Of the other pictures on the contract, a few of them were described as author pictures, but the majority of them were mere titles, in accordance with the general practice prevailing among the major companies in the business, not only at that time and previously, but also since then. In other words, the exhibitor did not know in seventy-five cases out of one hundred what pictures he was to get; and of the remaining twenty-five, he received half of them based on different stories altogether.

But there is one thing the Hays Pamphlet fails to show, an act which damns all the statements in it, even if every other statement in the pamphlet were accurate: "State Fair" was sold not in the block, but separately, because it turned out to be a good picture and the Fox Film Corporation felt that it could get more money by selling it individually than by including it in the block. How can any honorable person use a picture sold under such circumstances, then, to convince innocent people that block booking is not injurious? The producer, in this instance, abandoned block booking, because its abandonment served his interests better. Yet the number of contracts sold on this picture is employed by the Hays Association as an argument for the defeat of all anti-block booking legislation, by showing that, since pictures of the same producer's block are bought by as high as 9,490 theatres and some by as low as 3,101, there is no block booking. Thus the Hays pamphlet becomes at once an argument for both sides of the question—for and against block booking.

Quite often the Hays Association, in an endeavor to convince the innocent that block booking is beneficial to the picture-going public because without it the exhibitors would not book "socially desirable" pictures. The figures submitted by the author of this pamphlet, at least in the case of Fox Film pictures, is the most convincing proof that the exhibitor books the socially desirable and rejects the undesirable pictures. Else how could there be such a discrepancy in the number of contracts between "State Fair" and "After the Ball," one of which is "socially desirable" and the other "socially undesirable"? "After the Ball," even though it was bought by the exhibitors in the block, was not shown in as many theatres, because the picture was too vile to be shown.

But there is one other detail which the author of the Hays pamphlet omits, thus unjustifiedly casting a reflection upon the independent exhibitors; it is the fact that the managers of the affiliated theatres are in a position to reject all undesirable pictures, no matter whether they are produced by their own company or by a rival company, whereas the unaffiliated exhibitors must pay for such pictures, irrespective whether they play them or not. And such an omission is reprehensible, for it fails to show that the difference between the contracts signed for "After the Ball" and the contracts played may have been largely caused by rejections also by affiliated theatres, which are not compelled to pay for such pictures regardless, as said, of contracts.



## "Collegiate" with Jack Oakie, Joe Penner and Frances Langford

(Paramount, Dec. 27; time, 80 min.)

Just a moderately entertaining program comedy with music. It should appeal mainly to young people because the music and dancing are of the popular jazz variety. But it has little attraction for adults for the story is inane and the action slow. Joe Penner wanders about helplessly in a role that gives him little opportunity for his type of comedy, and Jack Oakie and Ned Sparks are equally unsuccessful in their attempts to provoke laughs, because of the poor material given them. The story lacks human appeal—no one does anything to awaken sympathy.

In the development of the plot Oakie, a playboy, inherits a girls' school, which was running at a deficit. Backed by Penner's money, Oakie changes the appearance of the school and its pupils. Instead of educating the girls he decides to teach them charm, music, and dancing, so that they may be more appealing to men. Oakie encounters difficulties when he finds that Penner, who had given him checks signed with the name of a certain millionaire, is not that millionaire. But matters are straightened out when a detective identifies Penner as a wealthy man who had forgotten his own name and had deposited money in the name of the millionaire. The school becomes popular and Oakie's future is ensured. He proposes to Miss Langford, his secretary, who had benefited by his course in charm, and she accepts him.

Alice Duer Miller wrote the story, Walter DeLeon and Francis Martin the screen play, Ralph Murphy directed it and Louis D. Lighton produced it. In the cast are Betty Grable, Lynn Overman, Betty Jane Cooper, and others. It was produced by Paramount in 1922.

Suitable for all. Suitability, *Class A*.

## "Captain Blood" with Errol Flynn and Olivia DeHavilland

(First National, Dec. 28; running time, 119 min.)

Excellent entertainment for all types of audiences. It has thrills, adventure, pathos, and romance. The production is lavish, and the acting, particularly that of Errol Flynn, who takes the part of Captain Blood, is very good. One is in sympathy with him throughout, even when he is shown pursuing a lawless career as a pirate, for this was the only means of freedom left open to him. The thrilling situations are many. The situation in which Flynn, leading the rebel slaves, takes over the Pirate ship of the Spaniards while they were looting the town is one of them. But it is in the closing scenes, where the Pirate ship comes to the rescue of an English man-of-war, fighting off the enemy, that one is held breathless. The fighting is ferocious, and the eventual defeat of the enemy thrilling. The romantic interest is good; although it is an important part of the plot, it does not interfere with the action:—

Peter Blood, a physician, native of Dublin, is caught by King James' soldiers treating a wounded rebel and, together with the rebels, is sentenced to slavery in the West Indies. When he arrives at Barbados, he is bought by Arabelle Bishop, who had been attracted by his manner and looks, and is put to work in her uncle's mines. Through her influence, he is taken from the mines and made personal physician to the Governor. He plans his escape and that of his rebel friends. When the town is set upon by Spanish pirates, Blood and his men sneak on the pirate ship while its crew was out looting the town, and take possession of it. Since they could not set foot in any country, they decide to roam the seas as buccaneers and in a short time they become notorious. Colonel Bishop, Arabelle's uncle, is made Governor, and he vows to bring back Blood and his men. Blood becomes connected with Levasseur, a French pirate, and they agree to share the loot. Blood learns that Levasseur had captured an English ship and that he held Arabelle, who was on her way back to the West Indies from England, and Lord Willoughby, the King's representative, as prisoners. In his desire to save Arabelle, he offers to buy her from Levasseur, but he declines the offer. Blood then fights a duel with him and kills him. Arabelle does not credit him with any noble traits and thinks he had fought the duel just to possess her. On the way back to the West Indies Lord Willoughby tells Blood that James was no longer King and that the new King had offered him and

his men freedom, on condition that they join the King's forces. Blood and his men rejoice at this and prove their courage by fighting a fierce battle and vanquishing the enemy ships that had attacked Barbados. As a reward, Blood is made Governor in place of Colonel Bishop, who had left his post as Governor in a time of war to go in search of Blood. Blood wins Arabelle as his wife.

The plot was adapted from Rafael Sabatini's novel. Casy Robinson wrote the screen play. Michael J. Curtiz directed it. Gordon Hollingshead and Harry Joe Brown are the producers. In the cast are Lionel Atwill, Basil Rathbone, Ross Alexander, Guy Kibbee, and others. It was produced as a silent in 1924 by Vitagraph, but this is far better.

Suitable for all. *Class A*.

## "Charlie Chan's Secret" with Warner Oland

(20th Century-Fox, Jan. 10; running time, 70 min.)

A good murder mystery melodrama. It holds one in tense suspense throughout; and the fact that the spectator suspects several persons of having committed the crime intensifies one's interest in the outcome. The solution is worked out in a logical manner. The closing scenes, in which the murderer is identified, are exciting. Warner Oland is, as usual, excellent in the role of Chan, the detective, provoking laughs by his quoting of proverbs. The love interest is incidental:—

Oland is engaged by Henrietta Crosman to investigate the sudden reappearance of her nephew, who was supposedly dead. She had inherited the fortune left by her brother, and the nephew's sudden return would mean that she would have to relinquish the money. During the first night of his arrival, the nephew is mysteriously killed. His body is discovered during a seance held by Miss Crosman, during which she hoped to receive a message from her brother. An attempt is made to kill Miss Crosman. Oland finally unravels the mystery by proving that the murder had been committed by Miss Crosman's son-in-law, who did not want to give up his share of the fortune. He had then tried to kill also Miss Crosman, because he knew that an auditing of the accounts would show that he had stolen a large sum of money.

The story is by Robert Ellis and Helen Logan, and the screenplay by Robert Ellis, Helen Logan and Joseph Hoffman. Gordon Wiles is the director and John Stone the producer. In the cast are Charles Quigley, Rosina Lawrence, Edward Trevor, Astrid Allwyn, Herbert Mundin, and others.

Because of the murder it is unsuitable for children or adolescents. Good for adults. Suitability, *Class B*.

## "Kiss Me Goodbye" with Magda Schneider

(Celebrity Pictures; running time, 55 min.)

A fair musical picture of program grade. The action is slow and the comedy provoked by Arthur Riscoe and Naughton Wayne is decidedly British—very dry and very matter-of-fact. Only one scene is amusing; it is where Riscoe is shown being danced into exhaustion by a large woman, whom he had tried to divert to his friend. Miss Schneider's dancing and singing are, despite the poor sound, the picture's high-lights:—

Riscoe and Wayne, two playboys, try to help a girl they had met in a Viennese restaurant. Riscoe thinks she would make a great dancer and arranges for her to take dancing lessons; Wayne thinks she would make a great opera star and he arranges for her to take singing lessons. Finally, Wayne is able, through a ruse, to have a great impresario hear Miss Schneider sing. Riscoe, seeing the chance he has, takes advantage of the situation by showing him how she can dance. The impresario is greatly impressed by Miss Schneider's singing and dancing and he promises her a starring part in his next opera. Both Wayne and Riscoe love Miss Schneider but, to retain the life-long friendship between them, they leave Vienna immediately after the great success of Miss Schneider's first performance in the opera, "Daughter of the Regiment."

Selwyn Jepson wrote the story and screenplay and Carmine Gallone directed it. In the cast are Ruth Maitland, Victor Fairley, Wilfred Ney and others.

Suitable for all. Suitability *Class A*.



**"Dangerous" with Bette Davis,  
Franchot Tone and Margaret Lindsay**

(Warner Bros., Jan. 4; running time, 78 min.)

This is unpleasant entertainment because of the actions of Bette Davis, the heroine, a self-willed, neurotic actress. Although she acts her part with force and conviction, the character she portrays is extremely unsympathetic. Her reformation at the end comes too late to change the spectator's feelings. There are other unpleasant features, one of them being the spineless behavior of John Eldredge, Miss Davis' husband. One does not enjoy seeing a man grovel at the feet of a woman who detests him. As a matter of fact, his actions are almost ludicrous. Franchot Tone awakens sympathy by his efforts to bring Miss Davis back to a state of normalcy. But even this sympathy is tinged with resentment, for in accomplishing his purpose he is shown jilting Margaret Lindsay, a fine girl, who loved him. Some of the situations are demoralizing.

In the development of the plot, Tone notices Miss Davis, a former actress of renown, in a cheap cafe drinking herself senseless. He takes her to his country home where she, under the care of his housekeeper, recovers. She falls in love with him and although he knows he does not love her he cannot resist her and they become intimate. He breaks his engagement to Miss Lindsay, and pleads with Miss Davis to marry him. But she keeps putting him off. He invests his entire fortune in a play in which she is to star. She promises to marry him after the opening performance. The day before the opening she goes to see Eldredge, her husband, from whom she was separated, and pleads with him to divorce her. He refuses. She asks him to motor out to the country with her. On the way she tells him she is going to crash the car into a tree with the hope that one of them will be killed. They are both injured and taken to the hospital. The scandal breaks in the newspapers and Tone, enraged, berates Miss Davis. Realizing how shabbily she had always treated every one who came in contact with her, and knowing that she loved Tone too much to ruin his life, she determines to change her course of living. As soon as she recovers, she opens in the play, which is a great success, thereby insuring Tone's future. She becomes reconciled with her husband, who was crippled by the accident. Tone marries Miss Lindsay.

Laird Doyle wrote the story and screen play, and made a good job of it. Alfred E. Green directed it and Harry Joe Brown produced it. In the cast are Alison Skipworth, Dick Foran, and others.

Unsuitable for children, adolescents, or for Sunday showing. Adult entertainment. *Class B.*

**"Whispering Smith Speaks" with George  
O'Brien and Irene Ware**

(20th Century-Fox, Dec. 20; time, 67 min.)

A good program action melodrama. Although the plot is not particularly novel, it moves at a fast pace, holding one's attention well throughout. The outdoor photography is excellent. Comedy and romance have been interwoven in the plot without retarding the action. The closing scenes, in which O'Brien is shown, with the help of his two cronies, "borrowing" a locomotive to rush after Irene Ware so as to prevent her from selling her valuable property which she thought was worthless, are exciting and laugh-provoking. Both O'Brien and Miss Ware awaken the spectator's sympathy:—

O'Brien, son of a wealthy railroad president (Frank Sheridan), is annoyed at the fact that his father keeps him in an office doing nothing when he wants to be out learning the railroad business. He resigns, telling him that he is going to do real work, so as to prove to him that he can make good on his own. He goes to a small Western town where he becomes acquainted with Miss Ware, manager of a one-train railroad. She gives him a position as a track walker; eventually they fall in love with each other. O'Brien, by taking an option on the purchase of the one-train railroad, prevents his father from putting through a deal whereby he would buy Miss Ware's valuable property and the railroad. Sheridan is proud of his son's ability to outwit him, and agrees to all of O'Brien's demands. O'Brien and Miss Ware marry.

Frank Spearman wrote the story, Dan Jarett and Don Swift the screen play, David Howard directed it, and Sol Lesser produced it. In the cast are Maude Allen, Kenneth Thomson, Spencer Charters, Vic Potel, and others.

**"Last of the Pagans"**

(MGM, Dec. 20; time, 70 min.)

Delightful entertainment for discriminating audiences, something on the order of "Tabu." It is an idyllic South Sea Island story, with the natives as the chief characters. Their acting is so realistic that one feels as if they are entirely unconscious of the fact that the camera is recording their actions. It is a simple but charming love story, and is so sympathetically told, that one's attention is held to the end. Some of the situations are deeply touching. One such situation is where young men, including Lotus (hero), are shanghaied from their native island, and forced to work in a phosphate mine, where they are treated as slaves. Several of the situations are exciting and hold one in tense suspense. The most thrilling are the closing scenes. Comedy is aroused by some of the native customs. The photography is excellent.

The story revolves around Mala and Lotus, natives of French Polynesia. At first Mala hates Lotus, because he had stolen her away in a wife raid on her island, but she gradually learns to love him. Lotus' chief wants Mala for himself, and to effect this, gets Lotus drunk and tricks him into signing a five year contract to work in a phosphate mine, thus separating the lovers. He then forces Mala to marry him. During a cave-in at the mine Lotus distinguishes himself by bravery and when asked what he desires he begs that Mala be brought to him. The Captain of the ship sailing by the island is asked to bring Mala back with him, but when he arrives there and finds out that she had married the chief he refuses to take her, lest he bring trouble upon the company. But she sneaks on the boat and, when found she is imprisoned. She manages to get away, however, and rushes to Lotus. They are separated again by the Captain, and both are locked up. During a hurricane they escape. The ship in which Mala is imprisoned is dashed to pieces. Lotus finds her and commandeering a boat, he sets sail with her towards a new island, to start life anew.

John V. Farrow wrote the original story and screen play.

Richard Thorpe is the director and Phil Goldstone the producer.

Suitable for all. Suitability *Class A.*

**"Ring Around the Moon" with Donald Cook  
and Erin O'Brien-Moore**

(Chesterfield, Dec. 1; running time, 69½ min.)

A pretty strong human interest drama. It has been given a good production. The plot is somewhat involved, but it holds the interest throughout because of the sympathy one feels for several of the characters. The action in the second half is sympathy awakening. The closing scenes, where the hero and the heroine are reunited, hold one in fair suspense:—

Erin O'Brien-Moore, daughter of a newspaper publisher, is in love with Cook, a reporter on the paper, but he loves Ann Doran, his co-worker. She forces her father to discharge him, a fact of which he is unaware, and then asks him to marry her. Cook, disgusted when he finds out what she had done, gets drunk. While in this state he telephones to her telling her that he will marry her, and the next morning, much to his surprise, he reads a notice of his engagement. Miss Doran takes poison, but recovers, saying that she does not want to see Cook again. He marries Miss O'Brien-Moore, later confessing to her that he does not love her. In the meantime, Miss Doran falls in love with another man and marries him. Cook and his wife separate. Because of financial reverses, her father commits suicide and, finding herself penniless, she goes to work. She loses her position and becomes ill. Miss Doran, feeling sorry for her, takes her into her room and eventually brings about a reconciliation between Cook and her. Cook, who had written a successful play, buys back Miss O'Brien-Moore's former home, which had been placed on the market for sale, and they move there to live. She is happy.

The plot was adapted from a novel by Vere Hobart. Paul Percz wrote the screen play, Charles Lamont directed it, and Lon Young supervised it. In the cast are Alan Edwards, Douglas Fowley, John Qualen, Barbara Bedford, and others.

Suitable for all. Suitability, *Class A.*

## THE QUESTIONNAIRE FOR 1935-36 CONTRACT TERMS

In about three weeks, I am going to send out another Questionnaire asking the exhibitors to fill it in, giving the prices and terms of their contracts for the 1935-36 season pictures, for shorts as well as features. The contract term information which I gathered from the Questionnaire for the 1934-35 contracts, and which I put into a pamphlet, (Harrison's Digest,) proved so beneficial to the exhibitors who obtained a copy that I have decided to make it an annual feature.

Guided by the experience I acquired out of the first Questionnaire, I shall be able not only to correct whatever faults developed but to supplement the information so as to make it more useful to the exhibitors. For instance, it is my intention to include in the Digest the gross sales of the different towns or cities, as well as the combined sales of *Saturday Evening Post* and *Ladies Home Journal*, taken from the figures given out by the Department of Commerce.

The purpose of this information is to enable an exhibitor to determine whether the rentals he pays for film are higher or lower than the rentals an exhibitor in a town of the same purchasing power but of different culture pays. For instance, a ten thousand population town in one state may show the same retail sales as a town of similar size in another state, and yet the combined number of *Saturday Evening Post* and *Ladies Home Journal* copies sold may be two thirds. This discrepancy should indicate that, where fewer copies of *Saturday Evening Post* and of *Ladies Home Journal* are sold, the number of those who go to picture shows is smaller; consequently the exhibitor should pay less for film. The same should be true if the population should be greater, but the magazine and the retail trade sales about the same; he should not pay more for film.

As in the 1934-35 Digest, sent out last May, so in the coming Digest—extreme secrecy will be maintained as to the source of the information; it will be printed with anonymity.

The following is a sample of how it will be presented under the heading of the same distributor:

**EXHIBITOR 109:** Population, 5,541; seats, 600; change of bill, three times; prices (weekdays): M. 15-20 and E. 15-30; (Sun. & Holi.) M. 20-25 and E. 25-35; Retail sales, \$1,200,000; Magazine sales, 565 copies. No other theatre. Nearest competitor, 15 miles.

**FLAT RENTALS:** 6 @ \$25; 10 @ \$15; 20 @ \$12.50 (2 days)—no score.

**PERCENTAGE:** None.

**PREFERRED PLAYING TIME:** None.

**EXHIBITOR 645:** Population, 8,620 (2,000 negroes) seats, 345; number of changes, three; prices (weekdays): M. 10-20 and E. 10-25; (Sundays and Holidays): M. 10-30 and E. 15-35. Retail sales, \$1,350,000; Magazine sales, 450 copies. No other theatre.

**FLAT RENTALS:** 10 @ \$20; 20 @ \$15 (2 days). Score, \$1.50 for engagement.

**PERCENTAGE:** 6 @ 30% (2 or 3 days). Score, \$2.50 for engagement.

**PREFERRED PLAYING TIME:** On all percentage pictures.

A comparison of these two situations should prove that there are fewer picture-goers in the 8,620 inhabitant town than in the 5,541; for the combined retail sales are approximately the same but the copies sold of the two magazines mentioned are fewer. Consequently, the film rental prices to be paid by these two exhibitors should be about the same. As a matter of fact, Exhibitor 645 should pay less for films.

But what is happening? Exhibitor 645 is charged higher combined rentals. Exhibitor 109 grants to the distributor no preferred playing time, whereas Exhibitor 645 allows him such time on all percentage pictures. Exhibitor 109 pays no score, whereas Exhibitor 645 has to pay score even on percentage pictures.

The next Digest will be an invaluable aid to any exhibitor, big or little. It will be mailed around the last part of April, or before, if necessary. I am sending the Questionnaire out early so that I may have ample time to receive and arrange the information and not be compelled to rush the Digest out incomplete.

## TENTH PICTURES Columbia

For those who bought the westerns along with the regular features, "One Way Ticket," released November 25, was the tenth picture of the first group of ten: The tenth of the second group has not yet been set for release. "Dangerous Intrigue," set for release January 4, is the ninth.

For those who did not buy the westerns, "Crime and Punishment," released December 25, is the tenth of the first group.

### First National

Up to "Ceiling Zero," set for release January 25, this company will have released nine pictures.

### Metro-Goldwyn-Mayer

"A Night at the Opera," released November 15, is the tenth picture of the first group. The tenth of the second group is "The Voice of Bugle Ann," set for release February 14, unless the schedule is altered by that time.

This company has not yet completed delivery of the 1934-35 season pictures; it is still delivering such pictures.

### Paramount

"Wanderer of the Wasteland," released September 20, was the tenth picture of the first group of ten, "Peter Ibbetson," released November 8, the tenth of the second, and "The Bride Comes Home," set for release January 10, is the tenth of the third group, unless the schedule is altered.

### RKO

"Seven Keys to Baldpate," released December 13, was the tenth picture of the first group of ten. The tenth of the second has not yet been set for release, "Two in the Dark," set for release January 10, being the fifth.

### Twentieth Century-Fox

For those whose contracts were signed before the merger and for those who bought both groups after the merger, "Here's to Romance," released October 4, was the tenth of the first group, and "Navy Wife," released November 29, the tenth of the second, and "My Marriage," set for release February 7, the tenth of the third, unless the schedule is altered by that time.

For those who did not buy the Twentieth Century-Fox pictures without the Twentieth Century (Zanuck) Productions, "Here's to Romance" is the tenth of the first group of ten, and "The Littlest Rebel" the tenth of the second group.

### Universal

For those who bought this company's westerns along with the regular features, "Stormy," released November 11, was the tenth picture of the first group. The tenth of the second has not yet been announced, "Love Before Breakfast," set for release February 10, being the eighth, unless the schedule is altered by that time.

For those who did not buy the westerns, "Sweet Surrender," released November 18, was the tenth picture of the first group. "Love Before Breakfast" is only the fifth of the second.

### Warner Bros.

"Miss Pacific Fleet," released December 14, is the tenth picture of the first group of ten.

## CLASSIFICATION OF PICTURES

The following are the latest feature pictures that have been classified by the Chicago Legion of Decency:

**CLASS A** (Good for the entire family): "Dance Band," "It's a Great Life," "Last of the Pagans," "The Riddle Ranch," and "Zlata Katrina."

**CLASS B** (Unsuitable for either children or adolescents but are neither approved nor disapproved for adults): "Another Face," "Forced Landing," "Frisco Waterfront," "Peter Ibbetson," "Riffraff," "Sylvia Scarlett," and "We're Only Human."

## SEND FOR YOUR MISSING COPIES

The Christmas rush may have caused a copy or so of your Harrison's Reports to go astray. Look over your files and if you find a copy missing, ask for a duplicate copy; it will be supplied to you free of charge.



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NEW YORK, N. Y., SATURDAY, JANUARY 4, 1936

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Awakening of Jim Burke—Columbia (69 min.)	114	Here Comes the Band—MGM (85 min.)	154
Bad Boy—20th Century-Fox (55½ min.)	175	Here's To Romance—20th Century-Fox (84 min.)	162
Barbary Coast—United Artists (89 min.)	162	Hi, Gaucho—RKO (58½ min.)	179
Big Broadcast of 1936, The—Paramount (96 min.)	151	His Family Tree—RKO (69 min.)	150
Bishop Misbehaves, The—MGM (84½ min.)	158	His Night Out—Universal (72½ min.)	171
Bishop's Misadventures, The—MGM (See "The Bishop Misbehaves")	158	Hitch Hike Lady—Republic (76½ min.)	206
Black Room, The—Columbia (68 min.)	122	Hop-Along Cassidy—Paramount (59 min.)	155
Bonnie Scotland—MGM (80 min.)	139	Hot Tip—RKO (69 min.)	135
Born for Glory—Gaumont-British (69½ min.)	123	I Dream Too Much—RKO (94 min.)	195
Bride Comes Home, The—Paramount (81½ min.)	207	I Found Stella Parish—First Nat'l (84 min.)	178
Bright Lights—Warner Bros. (83 min.)	131	If You Could Only Cook—Columbia (71 min.)	206
Broadway Gondolier—Warner Bros. (98 min.)	115	I Live For Love—Warner Bros. (63 min.)	167
Broadway Hostess—First National (67 min.)	194	I Live for You—Warner (See "I Live for Love")	167
Broadway Melody of 1936—MGM (100 min.)	154	I Live My Life—MGM (97 min.)	166
Burning Gold—Republic (56 min.)	Not Reviewed	Imperfect Lady, The—MGM (See "The Perfect Gentleman")	198
Calling of Dan Matthews—Columbia (64 min.)	203	In Old Kentucky—Fox (84 min.)	186
Calm Yourself—MGM (69½ min.)	106	In Person—RKO (86½ min.)	187
Case of the Lucky Legs, The—Warner (77 min.)	175	Irish In Us, The—First National (83 min.)	119
Case of the Missing Man, The—Columbia (56½ m.)	183	It's in the Air—MGM (80 min.)	178
Champagne for Breakfast—Columbia (68 min.)	135	Ivory Handled Gun—Universal (58½ m.)	Not Reviewed
Charlie Chan in Shanghai—20th Century-Fox (70m.)	166	Jalna—RKO (77½ min.)	143
Cheers of the Crowd—Monogram (64 min.)	130	Kind Lady—MGM (76 min.)	202
China Seas—MGM (89 min.)	130	King Solomon of Broadway—Universal (74 min.)	170
Clock Strikes Eight, The—Paramount (See "College Scandal")	90	Lady Tubbs—Universal (66 min.)	106
Confidential—Mascot (65 min.)	171	Last Days of Pompeii, The—RKO (95 min.)	163
Coronado—Paramount (76 min.)	203	Last Outpost, The—Paramount (76 min.)	167
Crime and Punishment—Columbia (87 min.)	195	Lawless Range—Republic (51 min.)	Not Reviewed
Crime of Dr. Crespi, The—Republic (62 min.)	163	Little America—Paramount (52 min.)	167
Crusades, The—Paramount (2 hrs., 6 min.)	138	Little Big Shot—Warner (72 min.)	159
Curly Top—Fox (74 min.)	118	Littlest Rebel, The—20th Century-Fox (73 min.)	202
Dance Band—Alliance (75 min.)	111	Love Me Forever—Columbia (90 min.)	106
Dante's Inferno—Fox (88 min.)	123	Mad Love—MGM (67½ min.)	118
Dark Angel, The—United Artists (106 min.)	147	Make a Million—Monogram (66 min.)	110
Death from a Distance—Invincible (69 min.)	107	Manhandled—Columbia (See "She Couldn't Take It")	178
Diamond Jim—Universal (91 min.)	122	Manhattan Moon—Universal (68 min.)	131
Don't Bet on Blondes—Warner Bros. (59½ m.)	115	Man of Iron—First National (61 min.)	199
Dr. Socrates—Warner Bros. (70 min.)	163	Man on the Flying Trapeze—Paramount (64 m.)	114
Dressed to Thrill—Fox (68 min.)	130	Man Who Broke the Bank at Monte Carlo, The—20th Century-Fox (66 min.)	187
Eagle's Brood, The—Paramount (59½ m.)	Not Reviewed	Mary Burns, Fugitive—Paramount (88 min.)	186
East of Java—Universal (71 min.)	195	Melody Lingers On—United Artists (84 min.)	183
Escapade—MGM (87 min.)	111	Melody Trail—Republic (60 min.)	Not Reviewed
Escape From Devil's Island—Columbia (67½ m.)	191	Memory Expert, The—Paramount (See "Man on the Flying Trapeze")	114
Every Night at Eight—Paramount (80 min.)	126	Men of Action—Conn Pictures (56 min.)	203
False Pretenses—Chesterfield (64 min.)	178	Metropolitan—20th Century-Fox (79 min.)	170
Fang and Claw—RKO (73½ min.)	207	Midsummer Night's Dream, A—Warner Bros., 132m.	170
Farmer Takes a Wife, The—Fox (91 min.)	127	Millions in the Air—Paramount (71 min.)	202
Feather in Her Hat, A—Columbia (71 min.)	170	Mini—Alliance Pictures (84½ min.)	139
Fighting Youth—Universal (77½ min.)	159	Miss Pacific Fleet—Warner Bros. (65 min.)	194
First a Girl—Gaumont-British (80 min.)	206	Morals of Marcus, The—GB (73 min.)	142
Forbidden Heaven—Republic (76 min.)	179	Murder at Glen Athol—Invincible (66½ min.)	191
Forced Landing—Republic (61 min.)	199	Murder Man—MGM (68½ min.)	123
Freckles—RKO (68 min.)	155	Music is Magic—20th Century-Fox (66 min.)	182
Frisco Kid—Warner Bros. (77 min.)	190	Mutiny on the Bounty—MGM (131 min.)	183
Frisco Waterfront—Republic (65½ min.)	203	Navy Wife—20th Century-Fox (72 min.)	194
Front Page Woman—Warner Bros. (82 min.)	115	Nevada—Paramount (59 min.)	203
Funny Face—Warner (See "Bright Lights")	131	New Frontier—Republic (60 min.)	Not Reviewed
Gallant Defender, The—Columbia (55 min.)	199	Night at the Opera, A—MGM (94 min.)	187
Gay Deception, The—Fox (75 min.)	146	Old Homestead, The—Liberty (70½ min.)	130
Gay Lady, The—Universal (See "Lady Tubbs")	106	Old Man Rhythm—RKO (76 min.)	122
Gentlemen of the Navy—Paramount (See "Annapolis Farewell")	138	One Way Ticket—Columbia (70½ min.)	199
Girl Friend, The—Columbia (69 min.)	131	On Wings of Song—Columbia (See "Love Me Forever")	106



Orchids To You—Fox (74 min.)	114
O'Shaughnessy's Boy—MGM (86 min.)	162
Outlawed Guns—Universal (62 min.)	Not Reviewed
Page Miss Glory—Warner Bros. (92 min.)	135
Paris In Spring—Paramount (81½ min.)	107
Paris Love Song—Paramount (See "Paris in Spring")	107
Pay Off, The—First National (64 min.)	182
Perfect Gentleman, The—MGM (71½ min.)	198
Personal Maid's Secret—Warner (57 min.)	179
Peter Ibbetson—Paramount (84 min.)	183
Plot Thickens, The—Paramount (See "Here Comes Cookie")	142
Powder Smoke Range—RKO (71 min.)	154
Public Menace—Columbia (71 min.)	159
Pursuit—MGM (59½ min.)	146
Racing Luck—Republic (60 min.)	Not Reviewed
Rainmakers, The—RKO (78 min.)	179
Redheads on Parade—Fox (77 min.)	146
Red Salute—United Artists (77 min.)	158
Remember Last Night—Universal (80½ min.)	182
Rendezvous—MGM (94½ min.)	175
Return of Peter Grimm, The—RKO (82½ min.)	139
Scrooge—Paramount (73 min.)	190
Secret Agent—Alliance (86 min.)	110
Seven Keys to Baldpate—RKO (68 min.)	198
Shanghai—Paramount (75 min.)	119
She—RKO (94½ min.)	118
She Couldn't Take It—Columbia (77 min.)	178
She Gets Her Man—Universal (63 min.)	139
She Married Her Boss—Columbia (87 min.)	138
Ship Cafe—Paramount (64½ min.)	186
Shipmates Forever—First National (108 min.)	167
Show Them No Mercy—20th Century-Fox (75½ m.)	194
Silk Hat Kid—Fox (68 min.)	119
Sing Me a Love Song—Universal (See "Manhattan Moon")	131
Smart Girl—Paramount (70½ min.)	122
Society Fever—Invincible (66 min.)	158
So Red the Rose—Paramount (82 min.)	190
Spanish Cape Mystery—Republic (73 min.)	170
Special Agent—Warner (75½ min.)	155
Splendor—United Artists (76½ min.)	190
Stars Over Broadway—Warner Bros. (88 min.)	186
Steamboat 'Round the Bend—Fox (80 min.)	142
Storm Over the Andes—Universal (83 min.)	159
Stormy—Universal (67 min.)	186
Streamline Express—Mascot (68 min.)	147
Super Speed—Columbia (54½ min.)	154
Sweet Surrender—Universal (77 min.)	191
Sylvia Scarlett—RKO (94 min.)	207
Tale of Two Cities, A—MGM (125 min.)	207
Thanks a Million—20th Century-Fox (87 min.)	187
This Is the Life—20th Century-Fox (65½ min.)	166
This Woman Is Mine—Paramount (68 min.)	134
Three Kids and a Queen—Universal (90 min.)	171
Three Musketeers, The—RKO (96 min.)	171
Throw Back, The—Universal (60 min.)	Not Reviewed
Thunder in the Night—Fox (67 min.)	150
Thunder Mountain—Fox (63 min.)	163
To Beat the Band—RKO (67 min.)	191
Together We Live—Columbia (68 min.)	151
Too Tough to Kill—Columbia (57 min.)	194
Top Hat—RKO (99 min.)	134
Transatlantic Tunnel—Gaumont-British (94 min.)	174
Tumbling Tumbleweeds—Republic (60 min.)	146
Two Black Sheep—Republic (See "Two Sinners")	155
Two Fisted—Paramount (58½ min.)	166
Two for Tonight—Paramount (60 min.)	143
Two Sinners—Republic (72 min.)	155
Virginia Judge, The—Paramount (59 min.)	162
Wanderer of the Wasteland—Paramount (60 min.)	154
Waterfront Lady—Mascot (68 min.)	158
Way Down East—20th Century-Fox (84 min.)	174
Welcome Home—Fox (72 min.)	142
We're in the Money—Warner Bros. (65 min.)	127
We're Only Human—RKO (68½ min.)	202
Western Courage—Columbia (58 min.)	Not Reviewed
Western Frontier—Columbia (58½ min.)	Not Reviewed
Westward Ho—Republic (60 min.)	123
Whipsaw—MGM (81 min.)	206
Wildcat Saunders—Atlantic (56 min.)	191
Wings Over Ethiopia—Paramount (53 min.)	174
Without Regret—Paramount (73½ min.)	150
Woman Wanted—MGM (68 min.)	126
Your Uncle Dudley—20th Century-Fox (68 min.)	199

## RELEASE SCHEDULE FOR FEATURES

### Chesterfield Features

(1540 Broadway, New York, N. Y.)

The Lady in Scarlet—Denny-Farr ..... Oct. 1  
(End of 1934-35 Season)

### Beginning of 1935-36 Season

Ring Around the Moon—Moore-Cook ..... Dec. 1

### Columbia Features

(729 Seventh Ave., New York, N. Y.)

#### 1934-35 Season

5026 Super Speed—Rice-Foster ..... Sept. 1  
5007 She Married Her Boss—Colbert ..... Sept. 19  
5031 Public Menace—Arthur-Murphy ..... Sept. 30  
5006 A Feather in Her Hat—Lord-Barrie ..... Oct. 24  
5037 Twenty-Five Dollars an Hour ..... Rel. Postponed  
5002 Opera Hat—Gary Cooper ..... Rel. Postponed  
(more to come)

#### 1935-36 Season

6015 Grand Exit—Sothern-Lowe ..... Oct. 25  
6023 Escape from Devil's Island (Song of the Damned)—Jory-Marsh ..... Nov. 10  
6203 Western Courage—Maynard (58 min.) ..... Nov. 15  
6035 Too Tough to Kill—Jory-O'Neill ..... Nov. 23  
6013 One Way Ticket—Nolan-Conklin ..... Nov. 25  
6211 Gallant Defender (Cowboy Crusader)—Peter B. Kyne Series ..... Nov. 30  
6020 The Calling of Dan Matthews—Arlen ..... Dec. 10  
Panic on the Air—Sothern-Nolan ..... Dec. 22  
6011 Crime and Punishment—Arnold-Marsh ..... Dec. 25  
6204 Lawless Riders—Maynard (57 min.) ..... Dec. 28  
6010 If You Could Only Cook—Arthur-Marshall ..... Dec. 30  
The Lone Wolf Returns—Douglas ..... Dec. 31  
6212 The Mysterious Avenger—Kyne series ..... Jan. 3  
Dangerous Intrigue—Bellamy-Marsh ..... Jan. 4

### First National Features

(321 W. 44th St., New York, N. Y.)

969 Man of Iron—MacLane-Astor-Eldredge .... Dec. 21  
970 The Murder of Dr. Harrigan—Cortez-Astor .. Jan. 11  
953 Ceiling Zero—Cagney-O'Brien-Travis ..... Jan. 25

### Gaumont-British Features

(1600 Broadway, New York, N. Y.)

Boys Will Be Boys—Will Hay ..... Nov. 1  
Mr. Hobo—George Arliss ..... Nov. 22  
Passing of the Third Floor Back—Veidt ..... Dec. 15  
First a Girl—Jessie Matthews ..... Dec. 25  
King of the Damned—Veidt-Vinson ..... Jan. 15  
Rhodes the Empire Builder—Walter Huston ..... Jan. 31

### Invincible Features

(1540 Broadway, New York, N. Y.)

Hitch-Hike to Heaven—Crosman-Rawlinson .... Nov. 15  
(End of 1934-35 Season)

### Beginning of 1935-36 Season

Tango—Nixon-Chandler ..... Jan. 1

### Mascot Features

(1776 Broadway, New York, N. Y.)

Confidential—Knapp-Cook ..... Oct. 15

### Metro-Goldwyn-Mayer Features

(1540 Broadway, New York, N. Y.)

#### 1934-35 Season

536 Mutiny on the Bounty—Gable-Laughton ..... Nov. 8  
513 Whipsaw—Loy-S. Tracy ..... Dec. 13  
517 Riffraff—Harlow-S. Tracy (reset) ..... Jan. 3  
521 The Bohemian Girl—Laurel-Hardy ..... Jan. 17

#### 1935-36 Season

644 A Night at the Opera—Marx Bros. .... Nov. 15  
615 The Perfect Gentleman—Morgan (reset) .... Nov. 22  
628 Ah, Wilderness—Beery-Barrymore (reset) ... Nov. 29  
619 Kind Lady—MacMahon-Rathbone (reset) ... Dec. 6  
617 Last of the Pagans—native cast ..... Dec. 20  
604 A Tale of Two Cities—Colman-Allan ..... Dec. 27  
618 Three Live Ghosts—Arlen-Mercer ..... Jan. 10  
620 Tough Guy—Cooper-Stephens ..... Jan. 24  
643 Rose Marie—MacDonald-Eddy-Owen ..... Jan. 31  
621 Exclusive Story—Tone-Evans ..... Feb. 7  
630 The Voice of Bugle Ann—Barrymore ..... Feb. 14



## Paramount Features

(1501 Broadway, New York, N. Y.)

3510	Peter Ibbetson—Cooper-Harding	Nov. 8
3521	Mary Burns, Fugitive—Sidney-Douglas	Nov. 15
3522	So Red the Rose—Sullivan-Connolly	Nov. 22
3523	Nevada—Crabbe-Erickson	Nov. 29
3524	Coronado—Down-Burgess-Haley-Erroll	Nov. 29
	No release set for	Dec. 6
3525	Bar 20 Rides Again—Wm. Boyd	Dec. 13
3526	Millions in the Air—Howard-Barrie	Dec. 13
3527	Scooge—English production	Dec. 20
3528	It's a Great Life—Morrison-Kelly	Dec. 20
3529	Collegiate—Penner-Oakie-Sparks	Dec. 27
3530	The Bride Comes Home—Colbert-MacMurray	Jan. 3
3516	Rose of the Rancho—Boles (reset)	Jan. 10

## Republic Features

(1270 Sixth Ave., New York, N. Y.)

### Beginning of 1935-36 Season

3556	Westward Ho—John Wayne (reset)	Aug. 19
3507	Two Sinners—Sleeper-Kruger (reset)	Sept. 16
3508	Cappy Ricks Returns—McWade-Walker	Sept. 23
3502	Forbidden Heaven—Farrell-Henry (re)	Oct. 5
3558	New Frontier—John Wayne (reset)	Oct. 5
3567	Melody Trail—Gene Autry (reset)	Oct. 14
3530	Spanish Cape Mystery—Cook (reset)	Oct. 17
3546	Crime of Dr. Crespi—Von Stroheim	Oct. 21
3547	Racing Luck—Bill Boyd (60 min.)	Oct. 28
3562	Lawless Range—John Wayne (reset)	Nov. 4
3566	Tumbling Tumbleweeds—Gene Autry (re)	Nov. 9
3532	\$1000 A Minute—Pryor-Hyams (reset)	Nov. 15
3550	Burning Gold—Bill Boyd (reset)	Dec. 1
3524	Forced Landing—Ralston-Stevens (re)	Dec. 2
3568	The Sagebrush Troubadour—Autry	Dec. 2
3518	Frisco Waterfront—Twelvetrees-Lyon	Dec. 5
3569	The Singing Vagabond—Gene Autry	Dec. 16
3537	Hitch Hike Lady—Skipworth-Clarke	Dec. 20

## RKO Features

(1270 Sixth Ave., New York, N. Y.)

544	Three Musketeers—Abel-Lukas-Graham	Nov. 1
543	Fang and Claw—Frank Buck	Dec. 20

(End of 1934-35 Season)

### 1935-36 Season

603	Powder Smoke Range—Carey	Sept. 27
606	Hi Gaucho—Duna-Carroll	Oct. 11
605	Rainmakers—Wheeler-Woolsey-Lee	Oct. 25
607	To Beat the Band—Herbert-Broderick	Nov. 8
608	Annie Oakley—Stanwyck-Foster	Nov. 15
609	In Person—Rogers-Brent	Nov. 22
611	Seven Keys to Baldpate—Raymond	Dec. 13
615	Another Face—Donlevy-Ford-Brooks	Dec. 20
612	We're Only Human—Foster-Wyatt	Dec. 27
610	I Dream Too Much—Lily Pons	Dec. 27
614	Sylvia Scarlett—Hepburn-Grant	Jan. 3
616	Two in the Dark—Abel-Grahame	Jan. 10

## Twentieth Century-Fox Features

(444 W. 56th St., New York, N. Y.)

606F	Navy Wife—Trevor-Bellamy-Darwell	Nov. 29
621T	Show Them No Mercy—Hudson-Romero	Dec. 6
622F	Your Uncle Dudley—Horton-Wilson	Dec. 13
623F	Whispering Smith Speaks—G. O'Brien	Dec. 20
624F	The Littlest Rebel—Shirley Temple	Dec. 27
625F	King of Burlesque—Baxter-Faye-Oakie	Jan. 3
626F	Charlie Chan's Secret—Oland-Lawrence	Jan. 10
627F	Paddy O'Day—Withers-Tomlin-Cansino	Jan. 17
628T	Professional Soldier—McLaglen-Stuart	Jan. 24
629F	Champagne Charlie—Cavanagh-Wood-Beck	Jan. 31
	F My Marriage—Trevor-Taylor	Feb. 7
	T It Had to Happen—Raft-Russell-Carillo	Feb. 14

## United Artists Features

(729 Seventh Ave., New York, N. Y.)

### Beginning of 1935-36 Season

	The Dark Angel—March-Oberon-Marshall	Sept. 6
	Red Salute—Stanwyck-Young	Sept. 13
	Barbary Coast—Hopkins-McCrea-Robinson	Sept. 27
	Melody Lingers On—Hutchinson-Houston	Nov. 9
	Splendor—Hopkins-McCrea	Nov. 23
	Modern Times—Charles Chaplin	Jan. 16
	Strike Me Pink—Eddie Cantor	Jan. 17
	Things to Come—English Cast	Rel. date Postponed

## Universal Features

(1250 Sixth Ave., New York, N. Y.)

### 1934-35 Season

A8018	She Gets Her Man (A Cup of Coffee)—Pitts-O'Connell	Aug. 19
A8006	Magnificent Obsession—Irene Dunne	Jan. 6
A8004	Next Time We Love—Margaret Sullivan	Jan. 27

(more to come)

### 1935-36 Season

A9023	Three Kids and a Queen—Robson	Oct. 28
A9011	Remember Last Night (Hangover Murders)—Arnold-Young	Nov. 4
A9016	Stormy—Beery, Jr.-Rogers	Nov. 11
A9042	Ivory Handled Gun—Buck Jones	Nov. 11
A9012	Sweet Surrender—Tamara-Parker	Nov. 18
A9029	East of Java—Bickford-Young	Nov. 25
A9014	The Great Impersonation—Lowe-Hobson	Dec. 9
A9015	The Invisible Ray—Karloff-Lugosi	Jan. 13
A9032	Dangerous Waters (Riverboat Gambler)—Holt-Gibson	Jan. 20
A9043	Sunset of Power—Buck Jones	Jan. 23
A9007	Love Before Breakfast (Spinster Dinner)—Lombard-Foster	Feb. 10

## Warner Bros. Features

(321 W. 44th St., New York, N. Y.)

916	Miss Pacific Fleet—Blondell-Farrell	Dec. 14
910	Dangerous—Davis-Tone-Lindsay	Jan. 4
922	Freshman Love—McHugh-Ellis-Hull	Jan. 18

## SHORT SUBJECT RELEASE SCHEDULE

### Columbia—One Reel

6802	Feminine Invasion—World of Sports (9½m)	Oct. 20
6351	Tetched in the Haid—Barney Google color cartoon (7 min.)	Oct. 24
6404	From the Brink of Eternity—Voice of Experience No. 4—(11 min.)	Oct. 28
6602	Let's Ring Doorbells—Scrappys (7 min.)	Nov. 7
6703	Screen Snapshots No. 3—(9½ min.)	Nov. 8
6953	Stars of Tomorrow No. 3—(10½ min.)	Nov. 10
6954	Stars of Tomorrow No. 4—(10½ min.)	Nov. 10
6405	Voice of Experience No. 5—(10 min.)	Nov. 12
6503	Kannibal Kapers—K. Kat cartoon	Nov. 21
6406	Voice of Experience No. 6—(11½ min.)	Nov. 27
6803	Hunter's Paradise—Sports (9½ min.)	Nov. 30
6303	Bon Bon Parade—Color Rhapsody (8½m.)	Dec. 5
6704	Screen Snapshots No. 4—(9½ min.)	Dec. 6
6407	Voice of Experience No. 7—(9½ min.)	Dec. 8
6352	(6354) Patch Mah Britches—Google cartoon (7 min.)	Dec. 19
6408	Voice of Experience No. 8	Dec. 24
6603	Scrappy's Boy Scouts—cartoon	Jan. 2

### Columbia—Two Reels

6108	Yoo Hoo Hollywood—All star com. (18 m.)	Nov. 14
6109	Three Little Beers—Stooge #3 (16½ min.)	Nov. 28
6110	Hot Paprika—Clyde No. 2 (17 min.)	Dec. 12
6111	I Don't Remember—Langdon No. 2	Dec. 26

## Metro-Goldwyn-Mayer—One Reel

M-322	Trained Hoofs—Miniatures (9 min.)	Oct. 12
W-342	Honeyland—Cartoons (10 min.)	Oct. 19
S-363	Gymnastics—Sports Parade (9 min.)	Oct. 26
T-303	Honolulu, Paradise of the Pacific—Traveltalks (8 min.)	Nov. 2
M-323	The Great American Pie Co.—Miniatures (11 min.)	Nov. 9
W-343	Alias St. Nick—Cartoons	Nov. 16
S-364	Water Sports—Sports Parade (8 min.)	Nov. 23
T-304	Rural Mexico—Traveltalks (8 min.)	Nov. 30

(A-381 Audioscopiks (8 min.) Special, available for release)

## Metro-Goldwyn-Mayer—Two Reels

C-222	Twin Triplets—Todd-Kelly (21 min.)	Oct. 12
P-242	Desert Death—Crime Doesn't Pay (21 m.)	Oct. 19
C-212	Little Sinner—Our Gang (18 min.)	Oct. 26
R-232	Not Yet Titled—Musical Revue	Nov. 2
C-202	Manhattan Monkey Business—Chase (21 min.)	Nov. 9
C-223	Hot Money—Todd-Kelly (18 min.)	Nov. 16
P-243	Not Yet Titled—Crime Doesn't Pay	Nov. 23
C-213	Our Gang Follies of 1936—Our Gang comedy (18 min.)	Nov. 30
R-233	Not Yet Titled—Musical Revue	Dec. 7
C-203	Public Ghost No. 1—Chase comedy (20m.)	Dec. 14
C-224	Top Flat—Todd-Kelly comedy (20 min.)	Dec. 21



**Paramount—One Reel**

A5-6	Parade of the Macabros—Headliner (10m.)	Nov. 15
R5-5	Sport on the Range—Sportlight (9½ m.)	Nov. 22
T5-4	Henry, the Funniciest Living American— Betty Boop (6½ min.)	Nov. 22
Sc5-2	It's Easy to Remember—Sc. song (9½ min.) re	Nov. 29
J5-2	Popular Science No. 2—(10 min.)	Nov. 29
V5-8	Countryside Melodies—Varieties (6m) re	Nov. 29
E5-4	The Spinach Overture—Popeye (8 m.) re	Dec. 6
A5-7	Radio Rhapsody—Headliner (9½ min.)	Dec. 6
P5-5	Paramount Pictorial No. 5—(9 min.)	Dec. 6
V5-7	Broadway Highlights No. 5—Var. (10m) re	Dec. 13
R5-6	The Sporting Network—Sportlight (9½m)	Dec. 20
V5-9	Lucky Stars—Varieties (10 min.)	Dec. 27
A5-8	Accent on Girls—Headliners	Dec. 27
T5-5	Little Nobody—Betty Boop cart. (6½ m.)	Dec. 27
P5-6	Paramount Pictorial No. 6	Jan. 3
E5-5	Vim, Vigor and Vitality—Popeye cart.	Jan. 3

**RKO—One Reel**

64203	A World Within—Easy Aces (10 m.)	Nov. 1
64403	Beach Masters—Struggle to Live (10½m)	Nov. 8
64101	Molly Moo Cow and the Indians—Rainbow Parade Technicolor (7½ min.)	Nov. 15
64503	Land of Evangeline—World of Parade (10½ min.)	Nov. 22
64204	Etiquette—Easy Aces (9 min.)	Nov. 29
64102	Molly Moo Cow and the Butterflies— Rainbow Parade (7½ min.)	Dec. 6
64602	Pathe Topics—(10½ min.)	Dec. 6
64303	Gentlemen's Sport—Sc. & Sport (11m)	Dec. 13
64103	Molly Moo Cow and Rip Van Winkle— Rainbow Parade (7½ min.)	Dec. 27
64504	Morocco—World on Parade	Jan. 10
64104	Molly Moo Cow and Robinson Crusoe— Rainbow Parade (7 min.)	Jan. 17
64603	Pathe Topics	Jan. 17
64304	Tomorrow's Halfback—Sports (11 m.)	Jan. 24

(RKO will release six more "Dumbbell Letters" belonging to the 1934-35 Season, the first one to be 54221, running time 5 min., release date Jan. 3.)

**RKO—Two Reels**

63805	Major Bowes—(17½ min.)	Nov. 8
63104	March of Time—Issue No. 8 (19½ min.)	Nov. 15
63602	Tuned Out—Ruth Etting (20 min.)	Nov. 15
63806	Major Bowes—(17 min.)	Nov. 22
63702	Counselitis—Leon Errol (18 min.)	Nov. 22
63203	The Worm Burns—Radio Flash (17 min.)	Dec. 6
63105	March of Time—Issue No. 9 (23 min.)	Dec. 13
63303	Too Many Surprises—comedy (20½ min.)	Dec. 13
63503	Foolish Hearts—Radio comedy (18 m.)	Dec. 27
63403	Gasoloons—Kennedy (15½ min.)	Jan. 3
63106	March of Time—Issue No. 10	Jan. 17
63603	Camera Cranks—comedy (18½ min.)	Jan. 17
63703	Uppercutlets—comedy (18 min.)	Jan. 24

**Twentieth Century-Fox—One Reel**

6507	Aladdin's Lamp—Terry-Toon (6 min.)	Nov. 15
1504	Shooting the Record Breakers—Adventures of a News Cameraman (8 min.)	Nov. 22
3604	Argentine Argosy—Along Rd. Romance (9½ min.)	Nov. 22
6508	Southern Horse-Pitality—Terry-Toon (6m)	Nov. 29
6908	Sorority Blues—Song Hit com. (11 m.)	Dec. 6
6509	Ye Olde Toy Shop—Terry-Toon (6 min.)	Dec. 13
6907	Seeing Nellie Home—Song Hit com. (11m)	Dec. 20
3605	Winter Magic—Along Rd. Romance	Dec. 27
1505	Filming the Feminine Headliners— Adventures of a News Cameraman	Dec. 27
6510	The Mayflower—Terry-Toon	Dec. 27
6607	Jai Alai—Treasure Chest	Dec. 27
6909	Easy Pickin's—musical (10 min.)	Dec. 27
6511	The Feud—Terry-Toon (6 min.)	Jan. 10
6606	The Seeing Eye—Treasure Chest	Jan. 17
6512	19th Hole Club—Terry-Toon	Jan. 24
6603	Manhattan Tapestry—Treasure Chest	Jan. 31
6608	Swordfish—Treasure Chest	Jan. 31

**Twentieth Century-Fox—Two Reels**

6207	One Big Happy Family—com. (21½ m.)	Nov. 15
6303	Knockout Drops—Mirthquake (19 min.)	Dec. 6
6304	Choose Your Partners—Mirthquake (20m.)	Dec. 13
6108	Perfect Thirty-Sixes—Mus. com. (18½ m.)	Dec. 20
6109	Three on a Limb—Keaton (19½ min.)	Jan. 3
6208	The Brain Pusters—Barnett	Jan. 10
6209	Mixed Policies—Screen star com.	Jan. 17
6110	Thanks Mr. Cupid—Mus. comedy (18 min.)	Jan. 24

**United Artists—One Reel**

2	Mickey's Garden—M. Mouse (9 min.)	July 31
3	Mickey's Fire Brigade—M. Mouse (8½m.)	Sept. 4
4	Pluto's Judgment Day—M. Mouse (8 min.)	Sept. 28
3	Music Land—Silly Symphony (9 min.)	Oct. 10
5	On Ice—Mickey Mouse (8 min.)	Nov. 6
4	Three Orphan Kittens—Silly Symphony (9 m.)	Nov. 21
5	Broken Toys—Silly Symphony (8 min.)	Dec. 19

**Universal—One Reel  
Beginning of 1935-36 Season**

A9271	Amateur Broadcast—Oswald cart. (6½m.)	Aug. 26
A9272	The Quail Hunt—Oswald cart. (7½m.)	Oct. 7
A9273	Monkey Wretches—Oswald cart. (7m.)	Nov. 11
A9374	Stranger Than Fiction No. 14—(8½m.)	Nov. 18
A9387	Going Places With Thomas No. 14—9½m.	Nov. 25
A9375	Stranger Than Fiction No. 15—(9 min.)	Dec. 2
A9388	Going Places with Thomas #15—(8½ m.)	Dec. 9
A9274	Case of the Lost Sheep—Oswald (7 min.)	Dec. 9
A9376	Stranger Than Fiction No. 16—(8½ m.)	Dec. 16
A9389	Going Places with Thomas #16—(9½ m.)	Dec. 23
A9275	Doctor Oswald—Oswald cartoon (7½ m.)	Dec. 30
A9377	Stranger Than Fiction No. 17—(9 min.)	Jan. 13
A9390	Going Places with Thomas #17—(9½ m.)	Jan. 20

**Universal—Two Reels**

A9607	The Crash in the Clouds—Tommy No. 7 (20 min.)	Dec. 2
A9155	Gus Van's Music Shoppe—Mentone (20m)	Dec. 4
A9608	Wings Disaster—Tommy No. 8 (18 min.)	Dec. 9
A9609	Crossed and Double Crossed—Tommy No. 9— (19½ min.)	Dec. 16
A9610	Doomed in a Dungeon—Tommy No. 10 (18½ min.)	Dec. 23
A9156	Clubhouse Party—Mentone com. (10 m.)	Dec. 25
A9611	Desperate Chance—Tommy No. 11 (19m)	Dec. 30
A9612	The Last Stand—Tommy No. 12 (19 m.)	Jan. 6
A9701	College Hero—Adventures of Frank Merriwell No. 1 (18½ min.)	Jan. 13
A9702	The Death Plunge—Merriwell No. 2 (20½ min.)	Jan. 20
A9703	Death at the Crossroads—Merriwell No. 3— (18½ min.)	Jan. 27

**Vitaphone—One Reel**

1401	Flowers for Madame—Mer. Mel. (7½ m.)	Nov. 30
1804	Seein' Stars—Pepper Pot (11 min.)	Nov. 30
1904	Nature's Handiwork—Our Own U.S. (10m)	Nov. 30
1504	Jack Denny and Orchestra—(10½ min.)	Dec. 7
1806	P's and Ques—Pepper Pot (9 min.)	Dec. 7
1604	Vitaphone Headlines (Vitaphone Tabloid)— Vaudeville (10½ min.)	Dec. 14
1807	Can It Be Done—Pepper Pot (11 min.)	Dec. 21
1905	Odd Occupations—Our Own U.S. (10 m.)	Dec. 28
1702	Plane Dippy—Looney Tunes (8½m) (re)	Jan. 4
1605	Vitaphone Troupers—Vaudeville (11 min.)	Jan. 4
1505	Red Nichols and Orchestra	Jan. 4
1808	Wild Wings—Pepper Pot (9½ min.)	Jan. 11
1492	I Wanna Play House—Mer. Mel. (reset)	Jan. 18
1906	Steel and Stone—Our Own United States	Jan. 25
1606	Vitaphone Celebrities—Vaudeville	Jan. 25

**Vitaphone—Two Reels****Beginning of 1935-36 Season**

1008	Dublin in Brass—Morton Downey (21 m.)	Sept. 7
1027	Oh Evaline—Hal LeRoy (19 min.)	Sept. 14
1101	Keystone Hotel—Turpin-Sterling (15 m.)	Sept. 21
1020	Doorman's Opera—Bway. Brev. (20 m.)	Sept. 28
1102	Vodka Boatmen—Yacht Club Boys (29 m.)	Oct. 5
1028	Tickets Please—Georgie Price (22½m.)	Oct. 12
1091	Reglar' Kids (Meglin Kids)—Tech. 17½m.	Oct. 19
1103	Lonesome Trailer—El Brendel (18m.)	Oct. 26
1099	Check Your Sombrero—Bway. Brev. (19m)	Nov. 2
1104	The Officer's Mess—Comedy (21½m.)	Nov. 9
1021	Rooftops of Manhattan—Bway. Brev. 22m.	Nov. 16
1105	Double Exposure—Comedy (21 min.)	Nov. 23
1010	Trouble in Toyland—Bway. Brev. (22m.)	Nov. 30
1002	Okay Jose—Bway. Brev. (18 min.)	Dec. 7
1011	Katz' Pajamas—Bway. Brev. (22 min.)	Dec. 14
1106	The Lucky Swede—Comedy (17 min.)	Dec. 21
1022	Broadway Ballyhoo—Bway. Brevities	Dec. 28
1107	While the Cat's Away—Comedy	Jan. 4
1003	Carnival Days—Tech. comedy (16 min.)	Jan. 11
1012	Phil Harris—Bway. Brevities	Jan. 18
1108	They're Off—Yacht Club Boys	Jan. 18
1029	All Girl Revue—Bway. Brevities	Jan. 25

**NEWSWEEKLY  
NEW YORK  
RELEASE DATES****Universal News**

410	Saturday	Nov. 30
411	Wednesday	Dec. 4
412	Saturday	Dec. 7
413	Wednesday	Dec. 11
414	Saturday	Dec. 14
415	Wednesday	Dec. 18
416	Saturday	Dec. 21
417	Wednesday	Dec. 25
418	Saturday	Dec. 28
419	Wednesday	Jan. 1
420	Saturday	Jan. 4
421	Wednesday	Jan. 8
422	Saturday	Jan. 11
423	Wednesday	Jan. 15
424	Saturday	Jan. 18
425	Wednesday	Jan. 22
426	Saturday	Jan. 25
427	Wednesday	Jan. 29
428	Saturday	Feb. 1
429	Wednesday	Feb. 5
430	Saturday	Feb. 8
431	Wednesday	Feb. 12

**Fox Movietone**

31	Wednesday	Jan. 1
32	Saturday	Jan. 4
33	Wednesday	Jan. 8
34	Saturday	Jan. 11
35	Wednesday	Jan. 15
36	Saturday	Jan. 18
37	Wednesday	Jan. 22
38	Saturday	Jan. 25
39	Wednesday	Jan. 29
40	Saturday	Feb. 1
41	Wednesday	Feb. 5
42	Saturday	Feb. 8
43	Wednesday	Feb. 12

**Paramount News**

44	Wednesday	Jan. 1
45	Saturday	Jan. 4
46	Wednesday	Jan. 8
47	Saturday	Jan. 11
48	Wednesday	Jan. 15
49	Saturday	Jan. 18
50	Wednesday	Jan. 22
51	Saturday	Jan. 25
52	Wednesday	Jan. 29
53	Saturday	Feb. 1
54	Wednesday	Feb. 5
55	Saturday	Feb. 8
56	Wednesday	Feb. 12

**Metrotone News**

229	Wednesday	Jan. 1
230	Saturday	Jan. 4
231	Wednesday	Jan. 8
232	Saturday	Jan. 11
233	Wednesday	Jan. 15
234	Saturday	Jan. 18
235	Wednesday	Jan. 22
236	Saturday	Jan. 25
237	Wednesday	Jan. 29
238	Saturday	Feb. 1
239	Wednesday	Feb. 5
240	Saturday	Feb. 8
241	Wednesday	Feb. 12

**Pathe News**

65246	Wed. (E.)	Jan. 1
65147	Sat. (O.)	Jan. 4
65248	Wed. (E.)	Jan. 8
65149	Sat. (O.)	Jan. 11
65250	Wed. (E.)	Jan. 15
65151	Sat. (O.)	Jan. 18
65252	Wed. (E.)	Jan. 22
65153	Sat. (O.)	Jan. 25
65254	Wed. (E.)	Jan. 29
65155	Sat. (O.)	Feb. 1
65256	Wed. (E.)	Feb. 5
65157	Sat. (O.)	Feb. 8
65258	Wed. (E.)	Feb. 12



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Devoted Chiefly to the Interests of the Exhibitors

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Columns, if It is to Benefit the Exhibitor.

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## A REVIEWING SERVICE FREE FROM THE INFLUENCE OF FILM ADVERTISING

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No. 2

### HAYS' MISREPRESENTATIONS ON BLOCK BOOKING

I am devoting a great deal of space in disproving the assertions of the Hays office in regard to block booking because the Pettengill Bill is soon coming up before Congress and I feel that the exhibitors and those outsiders whom HARRISON'S REPORTS reaches should have a clear idea how distorted is the information passed out by the Hays office on block booking. I only regret that I cannot reach all those who have received the Hays misinformation, for I feel that I could enlighten them and secure their support for the Bill.

In order for you and the others to have a clear picture of the misrepresentations that are contained in the Hays Pamphlet, "Wholesale Distribution of Motion Pictures," discussed editorially in the last two issues of HARRISON'S REPORTS, let me resolve and reduce the involved sentences into simple sentences (Pages 9, 10, 11, 12, 13, 14, 15, 16, and 17 of the pamphlet), and discuss them afterward:

(1) (a) The block is not necessarily the entire output of a given producer. (b) It signifies any portion thereof in excess of a single picture and may contain anywhere from two to two hundred films.

(2) (a) Block booking is no more compulsory than are wholesale commercial transactions in other lines of business. (b) It presupposes quantity rather than unit purchases.

(3) (a) Distributors generally offer exhibitors a block of pictures comprising more or less their entire output for the current season. (b) Exhibitors accept therefrom and contract to show a block containing less than the number offered.

(4) (a) The block tendered may contain a hundred films; (b) the block taken may contain only a fraction of this number.

(5) (a) The rejected portion reflects the scope of exhibitor choice; (b) the films rejected or retained reflect its nature.

(6) The block the exhibitor contracts to show is determined (a) by the distributor's power of persuasion, (b) by the attractiveness of his pictures, and (c) by the terms on which he is prepared to sell them; and on the other, (d) by the exhibitor's requirements, (e) by his estimate of pictures, and (f) by the terms on which he is prepared to buy them. Out of all these factors, assuming agreement is reached, emerges (g) a contract under which the exhibitor agrees to accept a block of the distributor's pictures and the latter undertakes to supply them.

(7) (a) The assumption, implicit in the social argument, that each block as contracted for embraces the entire output of the producer concerned is far from the truth. (b) It is a goal of salesmanship not always attained in practice.

(8) (a) Statistics demonstrate that not more than 5 per cent of the concluded contracts with exhibitors are for the producer's entire product, including features, short subjects and newsreels, and (b) it is estimated that not more than 20 per cent are for the complete blocks of feature pictures offered.

(9) (a) A popular picture may be sold to ten times as many theatres as an unpopular picture, despite the fact that both are offered as part of the same block. (b) It is a matter of legal record that certain successful pictures have shown in 14,000 theatres, whereas less successful pictures offered in combination with them were accepted by only 1,400 theatres.

(10) These facts clearly indicate that the exhibitors (a) are not required to accept all the films offered in a given block, and (b) seldom do accept all the films offered in a block.

(11) If block booking had the coercive effect attributed to it there would be no variation in the number of contracts concluded for pictures offered simultaneously, much less a variation of the proportions shown above.

(12) In many instances contracts are modified by distributors as a personal accommodation to exhibitors.

(13) By a certain extra-contractual practice, certain pictures are "washed out" [canceled from the exhibitor's contract by the distributor] at the end of each playing season.

(14) In many situations theatres operate under selective contracts, a system that enables the exhibitor to select from the entire block the pictures he wants and to reject the pictures he does not want.

(15) (a) From the block of pictures the Fox Film Corporation offered to the exhibitors in the 1932-33 season, the five pictures the exhibitors showed the most were the following:

Title	Contracts Signed	Contracts Played
"State Fair"	9,490	9,490
"Too Busy to Work"	8,909	8,895
"Tess of the Storm Country"	8,850	8,834
"Down to Earth"	8,819	8,796
"Adorable"	8,458	8,279

In three of them Will Rogers starred; in the others, Janet Gaynor. All were socially constructive.

(b) The sixth in order of exhibitor preference was "Call Her Savage," a Clara Bow picture that was criticized on social grounds, whereas "Cavalcade," one of the outstanding films of recent years from a social standpoint, stands nineteenth on the list, with 7,230 contracts signed and 7,001 played.

(c) Three thousand one hundred and one contracts were signed for "After the Ball," the last picture on the list from the point of number of contracts, but only 2,531 contracting theatres played it.

\* \* \*

The language in all these statements is the same as that employed in the Hays pamphlet. I have resorted to condensation in a few instances, but I have taken scrupulous care to preserve the meaning intact.

The deductions that one can gather from these statements and from some that appear in other parts of the pamphlet are the following:

(A) The block-booking method of selling pictures, that is, the method which compels the exhibitor to buy a producer's entire block of pictures, does not prevent the exhibitor from rejecting undesirable pictures.

(B) The block-booking system is not injurious to the public welfare; it is (Page 2) "simply the sale and purchase (licensing) of a number of pictures at one time; in other words, the wholesale merchandising of films."

(C) As to the element of compulsion that is alleged to be involved, the distributors look to the exhibitors to accept, as it happens in every branch of trade retailers who seek to buy on wholesale terms, a group or "block" of pictures, if they wish to benefit from the wholesale prices at which the films are offered. In such a transaction, it is the group of pictures and not the individual picture that makes up the unit of sale.

\* \* \*

Now that we have ferreted out Hays' assumed theories about what block booking is and what it is not, let us dissect them to see whether their structure is sound or unsound, whether they are flesh and bones or merely illusions. Notice that in every one of these assertions there is an element of truth; the harm comes from the fact that the entire truth is not stated.

(Continued on last page)



### "Magnificent Obsession" with Irene Dunne and Robert Taylor

(Universal, Jan. 6; running time, 111 min.)

A deeply stirring drama, with a great appeal to women. Aside from the fact that in the closing scenes there is a minor fault, in that Robert Taylor, the hero, is supposed to have become a famous surgeon within six years—more competent than men with years of training, the story is highly interesting and grips one's attention. There are situations that will tear at one's heartstrings. One such situation is where Irene Dunne, complaining of the loneliness she felt because of her blindness, weeps in the arms of her dearest friend. The closing scenes, in which her sight is restored, are deeply moving. Miss Dunne gives a superb performance, particularly in that part of the picture where she is blind. She lends dignity to the role and awakens deep sympathy. The antipathy one feels for Taylor at the beginning turns into friendliness because of his devotion to Miss Dunne. There are good comedy situations throughout:—

Betty Furness returns home after a vacation and joyfully greets Miss Dunne, her dearest friend, who had married her father, a famous surgeon, noted for his philanthropic work. Their joy is turned to sorrow when they learn that the surgeon had drowned and could not be revived because the hospital's only pulmotor had been sent to revive Taylor, a playboy, who had fallen off his yacht while in a drunken condition. Eventually Miss Dunne and Taylor meet and he falls in love with her. But she repulses him. Taylor becomes acquainted with Ralph Morgan, who tells him of the noble work done by Miss Dunne's husband, a surgeon, who believed in giving and not receiving anything in return. Taylor meets Miss Dunne one afternoon and prevails upon her to permit him to take her home; but instead of going home he drives towards the country. Miss Dunne is annoyed and gets out of the car. Just as she does this she is struck by another automobile and her injuries result in blindness. Taylor, learning that her investments were worthless, has his attorney transfer good stock in their places. He renews his friendship with her under an assumed name and she gradually learns to love him. He arranges for her to go to Paris for a consultation with several famous doctors; she is unhappy when they tell her they can do nothing for her. Taylor, who had followed her, confesses his identity and his love for her and begs her to marry him. Not wishing to be a burden, she runs away. Six years pass, during which time Taylor becomes a renowned surgeon. Through Morgan he finds Miss Dunne, very ill in a hospital. He operates on her, and her sight is restored. The lovers are reunited.

The plot was adapted from the novel by Lloyd C. Douglas. George O'Neil, Sarah Y. Mason and Victor Heerman wrote the screenplay, and John M. Stahl directed and produced it. In the cast are Sara Haden, Charles Butterworth, Henry Armetta, and others.

Suitable for all. *Class A.*

### "Rose of the Rancho" with Gladys Swarthout and John Boles

(Paramount, Jan. 10; time, 80½ min.)

Paramount "muffed" this picture. Although it has produced it on a lavish scale, it is nothing but a glorified Western, with many defects. The interpolation of ridiculous comedy is in poor taste and glaringly out of place in a picture of this type. Gladys Swarthout, the Metropolitan Opera singer, makes a good impression in her first screen appearance; but her singing, particularly in the high notes, is spoiled by poor recording. And it is doubtful if the songs, with the exception of one, will prove popular. The romantic interest is pleasant. The story unfolds in California, in the late fifties:—

Miss Swarthout, daughter of an aristocratic Spanish family, heads a group of Vigilantes who had banded together to prevent Bickford from grabbing up land which belonged to their families, but which had not been recorded. No one, with the exception of the Vigilantes, knows that she is the leader. John Boles, a government officer, on his way to California to investigate the trouble, is instrumental in saving Bickford from the Vigilantes, who were about to hang him. He later meets Miss Swarthout, and in answer to her subtle questioning he tells her that he had never met Bickford, but had interfered because he felt that they had no right to take the law into their own hands. Eventually they fall in love. In order to get information against them, Boles joins Bickford's gang. While out riding, he sees the Vigilante leader enter a hut and he rushes in, ready to arrest him. But instead of the leader he finds Miss Swarth-

out there and when she refuses to tell him who the leader is he accuses her of being intimate with him. When he finds out later that she is the leader he apologizes for the insult. He prevents Bickford and his gang from taking her father's ranch and helps the Spaniards record the deeds to their property, bringing peace to the land. He later marries Miss Swarthout.

The plot was adapted from the stage play by David Belasco and Walter Tully. Frank Partos, Charles Brackett, Arthur Sheekman and Nat Perrin wrote the screenplay, Marion Gering directed it, and Wm. Le Baron produced it. In the cast are Willie Howard, H. B. Warner, Grace Bradley, and others.

Suitable for all. *Suitability, Class A.*

### "The Invisible Ray" with Boris Karloff, Bela Lugosi and Frances Drake

(Universal, Jan. 13; time, 79½ min.)

A well-produced horror melodrama; it holds one in tense suspense. But the material is extremely gruesome, and the closing scenes leave one with a sickening feeling. The first half is somewhat slow for it is more concerned with scientific discourse than with action. However, it becomes gripping as the plot develops and it holds one's attention to the very end. One pities Karloff, who, while on a scientific expedition for the benefit of mankind, is poisoned by a radioactive substance and eventually becomes mentally deranged. What causes the gruesomeness of the picture is the manner in which the poison manifests itself—by making his face and hands luminous in the dark; also by the fact that any one he touches dies. The love interest is not of the appealing type because it develops between Frances Drake and Frank Lawton while she is still the wife of Karloff:—

Walter Kingsford finances an expedition to Africa headed by Karloff, a scientist, and which consisted, besides them, of Karloff's and Kingsford's wives, of Bela Lugosi, another scientist, and Lawton, Kingsford's nephew. Karloff finds what he had set out for, a luminous pit created by a fallen meteor which contained a chemical more powerful than radium. While removing it from the pit he is poisoned. He notices that at night his face and hands become luminous and when he touches his dog it dies. He rushes to Lugosi, who prepares an antidote, which has to be administered regularly. They decide not to tell any one. Miss Drake, realizing that she was in love with Lawton, tries to join Karloff at his camp but Karloff, not wanting her to know about his condition, asks her to go away and not bother him. Feeling that he does not need her, she decides to go to Paris, there to divorce him and then marry Lawton. Karloff knows that the ray, besides being destructive, could, if properly harnessed, be a curative. He returns home and uses it to cure his mother's blindness. But the radioactivity affected his mind and all he could think of was the hatred he felt for Miss Drake and her friends. He goes to Paris where, by his touch, he kills Kingsford, his wife, and then Lugosi. But he is prevented from killing Miss Drake and Lawton by his mother's intervention. The poison finally consumes him and he dies.

Howard Higgin and Douglas Hodges wrote the story, and John Calton the screen play. Lambert Hillyer directed it and Edmund Grainger produced it. In the cast are Beulah Bondi, Violet Kemble Cooper, and others.

Too gruesome for children, alodescents, or Sundays. Adult entertainment. *Class B.*

### "Two in the Dark" with Walter Abel and Margot Grahame

(RKO, Jan. 10; time, 73½ min.)

A fairly good murder melodrama. The spectator's attention is held throughout because of the mystery surrounding the murder of a theatrical producer, and of the fact that Walter Abel (hero), who was suffering from amnesia, is in some way involved in it although he does not know how. One is held in fair suspense in the situations where Abel is greeted by different persons who know him and through them tries to find out who he is. Several comical situations arise as a result of Abel's loss of memory. The closing scenes, in which he regains his memory and traps the murderer, hold one in suspense. The love interest is pleasant but incidental.

The plot was adapted from the novel "Two O'Clock Courage," by Gelett Burgess. Seton I. Miller wrote the screen play, Ben Stoloff directed it, and Zion Myers produced it. In the cast are Wallace Ford, Gail Patrick, Alan Hale, Leslie Fenton, and others.

Because of the murder it is unsuitable for children or Sundays. Good for adults. *Class B.*



### "Chatterbox" with Anne Shirley and Phillips Holmes

(RKO, Jan. 17; time, 67½ min.)

Very pleasant program family fare. Although the plot is not particularly novel, it takes on a certain freshness owing to the delightful performance given by Anne Shirley. She fits the part of the naive country girl to perfection, awakening deep sympathy and provoking laughs by her attempts to become an actress. There are some good comedy situations, the funniest one being that in which Edward Ellis and Granville Bates, both under the influence of liquor, boast of their ancestors' deeds. The romantic interest is charming:—

Miss Shirley dreams of following in her mother's footsteps and becoming an actress, a desire which is opposed by Ellis, her grandfather, with whom she lives. She becomes acquainted with Phillips Holmes, a painter, connected with a summer stock company playing in her village. He invites her to the play. Her grandfather forbids her to go and warns her that if she leaves the house he will lock her out. She goes, but is disappointed to find that the play that had been promised, which was a revival of the play her mother had appeared in, was not being given. When she returns home she finds the door locked. Not knowing that this was a trick played on her by the farm hand who was afraid lest she tell Ellis he had stolen his pipe, she decides to run away. She hides in Holmes' car and when he finds her she pleads with him to take her to New York. He puts her under the care of his landlady and then sends her to Eric Rhodes, a producer, hoping that Rhodes would discourage her, compelling her to return home. But Rhodes finds that she is just the type he needs for his burlesqued version of the old play. He engages her and warns every one to pretend to take the play seriously. Holmes tries to tell her what is going on but she is so naive that she thinks he is trying to tell her he loves her. On the opening night Miss Shirley is mortified when the audience laughs. She begs her grandfather, who had come to find her, to take her home. Holmes, realizing he loves her, hides in the car and later makes his presence known. Miss Shirley is happy.

The plot was adapted from the play by David Carb. Sam Mintz wrote the screen play, George Nicholls, Jr., directed it, and Robert Sisk produced it. In the cast are Margaret Hamilton, Allen Vincent, and others.

Good for all. *Class A.*

### "Tango" with Marian Nixon, Chick Chandler and Matty Kemp

(Invincible, Jan. 1; running time, 69½ min.)

A pretty entertaining human interest drama. It has been given a good production. The first half is pleasant, provoking many laughs. And there are situations in the second half that awaken deep sympathy for Marian Nixon, the heroine, particularly in the closing scenes, where she is shown working to support her baby. But there is one situation that is in bad taste; it is where George Meeker, seeking means to bring about a separation between his young brother and the young man's wife, convinces his brother that she had been intimate with him:—

The heroine, a model for an advertising agency, repulses her employer, who had made advances to her. He discharges her but is forced to re-employ her when one of his clients demands that she pose for his ads. The heroine and her employer's brother (hero) fall in love and marry secretly. When the big brother learns about the marriage, he is enraged because he feels that she is not up to the family's social standing. In order to bring about a separation he tells his brother that his wife was intimate with him. The hero goes to Europe with his mother without seeing her again. The big brother does not want the heroine to become suspicious and writes her letters signed in his brother's name, leading her to believe that he will return to her. She gives birth to a child, and in order to support herself, she takes a position as a dancer in a cafe in which a friend of hers is the orchestra leader. Eventually her friend, who loved her himself, brings about a reconciliation between her and the hero. The hero is remorseful for having believed his brother's lies about the heroine.

The story is by Vida Hurst, the screen play by Arthur T. Horman, the direction by Phil Rosen. Maury M. Cohen is the producer. In the cast are Marie Prevost, Warren Hymer, Herman Bing, and others.

Because of the situation in which Meeker accuses Miss Nixon of being unfaithful it may prove unsuitable for children, adolescents, or for Sunday showing. But it is harmless for adults. *Class B.*

### "Dangerous Intrigue" with Ralph Bellamy and Gloria Shea

(Columbia, Jan. 4; time, 55 min.)

A fairly good program melodrama. The story is simple, but it appeals to the emotions of sympathy deeply, and the action is fast. The production and acting are good. The situations in which Bellamy (hero), a victim of amnesia, is shown helplessly wandering about are done with realism and hold one in suspense. And the manner in which he regains his memory is logical and interesting. The closing scenes, in which Fred Kohler is shown attempting to blow up the factory, are exciting. Bellamy awakens one's sympathy by his kindness and consideration for others. His romance with Gloria Shea is pleasant:—

Bellamy, an accomplished surgeon, is forced to resign from his post in a hospital because he had dared to treat a charity patient at a time when he was needed for an operation on the daughter of the hospital's chief sponsor; the child later died. His fiancée breaks their engagement. The shock causes Bellamy to lose his memory and he wanders about until he reaches a small mill town. He does menial work in a factory. An accident injures some of the men. The excitement and sound of the ambulance siren brings back his memory and he rushes to their assistance. He becomes a member of the factory hospital staff, but does not tell them he is the famous surgeon. Accidents continue and Bellamy feels certain that they had been planned. He finds out that Kohler is at the bottom of it and decides to expose him. Kohler's child is injured and rushed to the factory hospital where Bellamy prepares to operate on him. Kohler, who had planted an explosive in rubbish that was to be unloaded in a furnace to blow up the factory, finds out about his child and rushes back to remove the explosive. He accomplishes this but is killed. Bellamy's identity becomes known and he is asked to return to his post. He refuses, his desire being to remain in the small town and to marry Gloria Shea, with whom he had fallen in love.

Harold Shumate wrote the story, Grace Neville the screenplay, and David Selman directed it. In the cast are Joan Perry, Edward LeSaint, and others.

Suitable for all. *Suitability, Class A.*

### "Paddy O'Day" with Jane Withers and Pinky Tomlin

(20th Century-Fox, Jan. 17; time, 75½ min.)

Very good family fare. Jane Withers is, as usual, charming; she sings and dances, talks with an Irish brogue, and in general is responsible for most of the entertainment. George Givot, well-known for his radio work, adds to the gaiety by his peculiar broken accent and incorrect use of words. Some of the situations are touching. The situation in which Jane finds out that her mother had died is one of them. One is held in fair suspense for fear lest the Immigration authorities, whom Jane had eluded, would find her and deport her. The manner in which this is solved pleases the spectator. Although there is nothing startling in the plot, it is the type of picture that leaves one in a happy mood:—

Jane, on her way to America from Ireland to live with her mother, a maid in a wealthy home, becomes friendly with some Russians who expected to settle in New York with their cousin, Givot. Jane is disappointed when her mother does not meet her at Ellis Island; she does not know that her mother had died, but when she is told that her mother is ill she escapes from the Island. A friendly Irish policeman helps her find her way to the home where her mother had been employed. The cook is forced to reveal to her the fact that her mother had died and consoles her, telling her she will keep her at the house. Pinky Tomlin, the owner of the house, who was ruled by his maiden aunts, finds Jane and likes her. Her Russian friends call to see her and Tomlin agrees to let her go with them, on condition that her car visit her every day. Tomlin falls in love with Givot's cousin; for this reason he finances their venture in the cafe business, at which they are successful. When his aunts return they are shocked to find him a gay young person. They report Jane's whereabouts to the immigration officials. But Tomlin surprises them by saying that he had married his Russian friend, and would adopt Jane.

The story is by Sonya Levien and the screenplay by Lou Breslow and Edward Eliscu. Lewis Seiler is the director and Sol Wurtzel the producer. In the cast are Jane Darwell, Francis Ford, Vera Lewis, and others.

Suitable for all. *Class A.*



The pamphlet's assertions will be discussed in their numerical order, as given in the foregoing enumeration:

(1) (a) Except in the case of United Artists, a major company's block of feature pictures consists of the season's entire output. Columbia (with the exception of its six or eight westerns annually), First National, Fox (with the exception of the Twentieth Century block this season), Metro-Goldwyn-Mayer, Paramount, RKO, Universal and Warner Bros.—all these distributors offer for sale their entire season's output. The exhibitors who are not affiliated with any producer or distributor, with a few exceptions, which will be brought out in this discussion, are compelled to buy all the pictures of a major producer-distributor.

(b) The statement that a block may consist of anywhere from two pictures to two hundred pictures is too grotesque to need even a denial if it was intended to mean only feature pictures; and since the statement does not specify to the layman that it meant to include shorts as well as features, it is clearly an attempt to mislead the innocent reader. It is shyster "lawyerish" methods, designed to win a case by presenting the facts incomplete. Moreover, the discussion about block-booking, as it is commonly understood, deals mainly with feature pictures, and no layman unacquainted with the industry's practices and with its technical terms can take it to mean anything else.

(2) (a) In accordance with this statement, when a men's wear merchant goes to a wholesaler to buy ten blue serge suits he is compelled by the wholesaler to buy also ten tropical worsted, and ten boys' suits, as well as ten pairs of babies' shoes. It is too silly to merit even a serious discussion. (b) Block booking, "presupposes," the pamphlet says, "quantity rather than unit purchases." Who says that the contrary is true? Of course block booking means quantity purchases, against the will of the buyer.

(3) (a) The distributors offer to the exhibitors their season's entire output, but (b) the exhibitors, the pamphlet says, buy fewer pictures than the number offered. If that is the case, why this hullabaloo against the Pettengill Bill? If the exhibitor is seeking no more than to make legal what is now a practice, why this pamphlet? And why all the propaganda in Washington as well as in the entire country against the Bill by the Hays office?

(4) If the exhibitor could buy only a fraction of the films offered him by a distributor he is wasting his efforts in trying to obtain such a right by legislation. The men and women, leaders and members of civic, fraternal and religious organizations, who come in contact with the exhibitors, know that the exhibitors, with an exception here and there, are helpless. For years the producers have been making vile pictures and the exhibitor was compelled to show them, or else go bankrupt, until the Legion of Decency was formed, which compelled Will Hays to take sterner measures to stop the production of filthy pictures. Joe Breen is in Hollywood trying to eliminate filth from pictures not by advising the exhibitors not to show such pictures, but by eliminating filth from scripts and from finished pictures, refusing to pass any pictures that do not come up to the standard of the Code, forced on them by Cardinal Mundelein in 1930 and utterly ignored by them until the summer of 1934. The exhibitors have nothing to do with the production of pictures that made finished gangsters out of many of our young men, and prostitutes out of many of our young women.

(5) (a) This is a dirty crack, intended to convey the meaning that the exhibitor shows, not the "socially desirable" pictures, but the pictures that will make him the most money. This statement, too, contains an element of truth. But since Mr. Hays does not state how many of these exhibitors are affiliated, that is, are merely managers of companies that belong to his association, and how many unaffiliated, I cannot say what is the percentage of accuracy in this statement of his. Every one of you remembers, I am sure, that the dirtiest ads in newspapers were inserted by the affiliated theatres, particularly of the Warner group. The Strand, in this city, was notorious for it. Mr. Hays himself knows that he has had very little trouble with independent exhibitors on that score; whatever trouble he has had was owed to the dirty ads, prepared for all the exhibitors by the publicity departments of the members of his association. By the same analogy we may assert that the majority of the theatres that showed filthy pictures belonged to the members of the Hays association.

(6) This statement is in the main incorrect and misleading. The unaffiliated exhibitor knows very little about the story material of the pictures he is offered, because in some instances few pictures are founded on known works or on works of known authors—he is compelled to buy only stars.

As to the terms, he pays all the traffic he can stand. Most of the pictures, or at least the most important pictures, are sold to the unaffiliated exhibitors not on a straight rental basis but on percentage, in the majority of the cases the producer demanding also a minimum guarantee, which in most instances is much higher than what the exhibitor should have paid for the film on a flat rental basis.

(To be continued)

## SPECIAL CONTRACT PROVISIONS

From time to time I receive letters calling my attention to certain abuses. For instance, the contracting of forty-two pictures out of fifty-two, and the delivering by the distributor of only forty-two, defeating the exhibitor's object that prompted him to contract for a smaller number than the number of pictures the producer announced.

In the Questionnaire that will be sent out shortly for the purpose of obtaining information for the Digest, a space will be provided where the exhibitor may give the special provisions he inserts into his contracts for his protection. These provisions will be included in *Harrison's Digest* so that those exhibitors who sign their contracts without these safeguards may include them in their 1936-37 contracts.

In giving one or two sample paragraphs in last week's *HARRISON'S REPORTS* so as to convey to you an idea how the information will be presented, I overlooked giving facts also about trailers and shorts. This information will be included in the next *Digest*.

The next *Digest* is going to be the most valuable buying guide an exhibitor can ever hope to obtain. The reason for it is the fact that the exhibitors of the United States would trust few persons other than the writer with their business secrets. And without the furnishing of such secrets by the exhibitor voluntarily there is no way by which the information could be obtained for such a purpose.

## THE BUSINESS BAROMETER CLIMBING!

Under the heading "Climbing Barometer," the January 4 issue of *Editor & Publisher* contains the following editorial:

"At once a notable achievement in business paper of improving business, the Annual Review publishing and a most encouraging harbinger Number of the *Iron Age*, issued this week, is a welcome New Year's caller. Within its 638 pages, the largest edition of this publication since 1929, are 400 pages of advertising, a gain of 40 per cent in volume over the corresponding issue of 1935.

"Covers and inside art, both editorial and advertising, display high craftsmanship—another important evidence of better business. When industrial publications give time and space to pictorial embellishment of their matter-of-fact messages, it can be assumed that the treasury watchdogs are not exercising the supreme control that has been theirs for seven years. The barometer is climbing!"

Despite the tears of the political Jeremiahs, 1936 is going to be, according to all signs, a wonderful year for the motion picture industry, provided the producers in Hollywood and the responsible executives in New York devote all their thoughts and energies to the production of moving pictures and do not let themselves be distracted by the ticker, as was the case before 1929 and for several years after it.

There is only one disturbing factor in the mechanism of the motion picture industry: The bankruptcies and reorganizations of some of the companies have brought the bankers in control, and since these bankers know little about the workings of the industry they have selected for the high posts in some instances people who know less about it. The success of a film company depends on good pictures. Good pictures depend, in turn, largely on good story material. Some of the men at the head of these companies know nothing about story material, and less about men who know such material. How are these companies, then, to make good pictures when the men at the top lack the necessary qualifications? Naturally they will be compelled to depend on others for the selection of good story material, and since they are the ones who choose such men, and in their choice they depend on what somebody else will say, the quality of the pictures produced by such companies will naturally suffer.

In the purchase of pictures for the 1936-1937 season, the exhibitors will have to exercise a greater judgment; and in order for them to be in a position to exercise such judgment, it will be necessary for them to have a greater amount of information.



# HARRISON'S REPORTS

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## HAYS' MISREPRESENTATIONS ON BLOCK BOOKING—No. 2

(Continued from last week)

The last statement of the Hays anonymous pamphlet in last week's issue, as enumerated in that article, was the sixth of the series.

The seventh (a) of the series tells the reader of the pamphlet that it is wrong for any one to think that each block in the producer's product, as contracted for by the exhibitor, embraces the entire block; such an assumption, the author of the pamphlet says, is "far from the truth." HARRISON'S REPORTS assures the readers of that pamphlet that a statement to the contrary is far from the truth, except in the case of the affiliated theatres, which enjoy cancellation privileges the independent exhibitors do not enjoy, and except in a few instances where the exhibitors own all the theatres in a town and are free from competition.

And even in such cases, most of the times the exhibitors are compelled to book all the pictures of a theatre-owning producer, being threatened with a competitive theatre otherwise. This paper can cite many instances where a competitive theatre was built by a producer to punish the exhibitor for refusing to buy all his pictures.

The ten per cent cancellation provision contained in the present contracts is surrounded by so many restrictions that it is well nigh worthless. And if the restrictions do not make it useless, the implied threats to exercise it make it useless. In an industry where competition is confined not among the sellers but the buyers, where the articles sold are so limited—often not enough to go around, where the choice articles are so few, and where the buyer's investment depends so much on a sufficient supply of meritorious product, the buyer cannot very well afford to look at the horse's jaw before purchasing him.

Paragraph eight of the series deals with the Hays' pamphlet's assertion that, according to statistics, not more than five per cent of the concluded contracts are for a producer's entire product. The Hays association has been in the habit of dealing with percentages, a procedure which cannot be checked up by an outsider. But judging by the lack of veracity in many others of its statements, we may safely assume that the accuracy of this statement is about of the same standard. There are so many factors to be taken into consideration in arriving at the correct percentage of contracts made for less than the entire product of a producer that it is safe for the Hays association to make a statement of this kind, fully knowing that no one will be able to challenge its veracity for lack of the necessary facilities for checking it up. But the independent exhibitors know that such a statement is inaccurate.

The statement (9) that there are pictures that are shown in as high a number of theatres as fourteen thousand and others in as low as fourteen hundred is, in my belief, grossly inaccurate, for there were not fourteen thousand theatres in existence during the period which the Hays pamphlet covers, and there are fewer now. There were more than fourteen thousand theatres in existence during the silent-picture days, but sound forced thousands of them to close their doors, most of them forever. And if there were, not all of them could book the same picture.

The statement brought out in Paragraph (10) to the effect that the facts which the Hays' pamphlet enumerates prove that the exhibitors, first, are not required to accept all the films offered in a given block, and secondly that they seldom accept all such films, too, is grossly inaccurate; and the proof of it is the war the producers, through the Hays association, are waging against the Pettengill Bill, just as

they waged against any other bill that was introduced in Congress to outlaw block booking and blind selling. If the exhibitor is seeking to establish by law only what exists in practice, why the Hays hysteria against the Pettengill Bill?

Statement (11) says that if block booking were done by coercion the number of contracts closed would not vary so much. This is, of course, a case of employing a false premise to establish a fact. Everybody in the industry knows that. But the author of the pamphlet feels safe in saying it, because, as I have already said, there is no danger that any reader of the pamphlet will ever challenge him; and even if he should challenge him, how is he going to disprove it? The records of the producers are not open to him!

(12) The assertion that often the distributor modifies the exhibitor's contract as an accommodation to him is true, but the author does not state under what condition he is so benevolent.

The same is true of the statement reduced in paragraph 13—that the distributors, by certain "extra-contractual" practices, "wash-out" a few of the pictures at the end of a playing season. When the salesman works up the exhibitor to the point of excitement as to the number of "colossal" pictures his company is going to deliver in the following season, the distributor can afford to show benevolence by cancelling some of the trash he usually delivers to the exhibitor at the end of a season.

Statement (14) says that in many situations the theatres operate under the "selective" system; that is, a system that permits the exhibitor to take a certain number of pictures out of a distributor's entire product. But it does not explain that the ones who enjoy this privilege are operators of theatres controlled by producers; few independent exhibitors enjoy a valuable privilege of this kind.

Paragraph (15) The reproduction from the Hays' pamphlet of the facts that surround the five Fox pictures that were shown by Fox accounts during the 1932-33 season is, indeed, interesting—more interesting than the author of that pamphlet had conceived: "State Fair," with Will Rogers and Janet Gaynor, was bought by 9,490 theatres, and was shown exactly in the same number of theatres; "Too Busy to Work," with Will Rogers, was bought by 8,909 theatres, and was shown in 8,895, or in fourteen fewer theatres; "Tess of the Storm Country," with Janet Gaynor, was bought by 8,850 and was shown in 8,834 theatres or in sixteen fewer theatres; "Down to Earth," with Will Rogers, was bought by 8,819 theatres, and was shown in 8,796, or in twenty-three fewer theatres, and "Adorable," with Janet Gaynor, was bought by 8,458 theatres, and was shown in 8,279, or in 179 fewer theatres.

Now, no one can say that the difference in the first four pictures represents willful cancellations on behalf of the exhibitors! In the case of the fifth picture, I cannot give a reason because the records are not available for my examination. The reader, however, must bear in mind that the number of contracts concluded for each of these pictures do not represent theatres in each case; many of these contracts represent non-theatrical institutions. This explains the discrepancy between the Will Rogers and the Janet Gaynor pictures, on the one hand, and the other pictures on the other, in the number of contracts concluded. Fox pictures could not have been shown in 9,490 theatres in the 1932-33 season because there were not so many non-competitive units at that time, and there are fewer now. In some cases, these pictures were brought back to the same theatre, as a "repeat." One may dare say that, in a few instances, "State Fair" was shown three and four times in the same theatre.

But the fact that the five pictures were shown in the high-

(Continued on last page)



### "It's a Great Life" with Joe Morrison, Paul Kelly and Rosalind Keith

(Paramount, Dec. 20; running time, 64 min.)

Ordinary program fare. The story is inane, and the action slow. The only exciting part is in the closing scenes, during a forest fire, where Paul Kelly risks his life to dynamite a dam. Joe Morrison's singing may appeal to some people, but he is not a romantic type. The comedy is aroused by Chic Sale, in his familiar role of an elderly country man. The production is hardly worthy of a Paramount release:—

Morrison, a country boy, enrolls in a CCC camp to do forest work. His grandfather, Chic Sale, is proud of him. On his way to camp he meets Paul Kelly, a hobo, and induces him to join up with him. Kelly, who had no family of his own, agrees to Morrison's plan of sending twenty-five dollars of his thirty-dollar monthly allotment to Rosalind Keith, Morrison's next door neighbor, an orphan who had to support her two brothers and sister. When Morrison goes back home for a visit he takes Kelly with him. Kelly and Miss Keith fall in love with each other, but Morrison, not knowing of it, proposes to Miss Keith. He is disappointed when she rejects him. Once back in camp he finds out about Kelly's love for Miss Keith and upbraids him for having taken advantage of his hospitality. Miss Keith comes to the camp on visitors' day and is surprised when Kelly tries to force her to be with Morrison. A forest fire breaks out and the visitors are trapped. Kelly risks his life by dynamiting a dam and flooding the forest. He is injured, but every one is saved. Morrison forgives him and gives his blessings to Kelly's marriage with Miss Keith.

Arthur Lake and Sherman Rogers wrote the story, Paul Smith and Harlan Thompson the screen play, Edward F. Cline directed it, and Lewis E. Gensler produced it. In the cast are Wm. Frawley, David Holt, Dean Jagger, and others.

Suitable for all. Suitability, *Class A*.

### "Riffraff" with Jean Harlow and Spencer Tracy

(MGM, January 3; running time, 93 min.)

This is a good comedy-melodrama, which, because of its rough and somewhat vulgar nature, should prove more satisfying to men. Women may be somewhat disappointed at seeing Jean Harlow in a squalid background, wearing plain and cheap clothes. Otherwise, the picture has some good comedy, particularly in those situations in which Miss Harlow and Tracy quarrel. Joseph Calleia, too, provokes laughter by his accent and manner. In spite of the fact that Tracy is presented as an egotist who reveled in his strength, he is a likeable character. The situation in which he tells Miss Harlow that he cannot pocket his pride is touching. One is in sympathy throughout with Miss Harlow, and is touched when she goes to prison and is forced to part with her baby. Some of the situations are exciting. The situation where Miss Harlow escapes from prison is one of them. The ending may prove unsatisfactory by reason of the fact that Miss Harlow goes back to prison:—

Tracy, a crack tuna fisherman, and Miss Harlow, a worker in the cannery, "fight" their way to marriage. They are happy until Tracy becomes connected with a radical and induces the workers to strike. Calleia, owner of the cannery, refuses to negotiate with Tracy and forces him out of the union. He leaves home, telling Miss Harlow that he will not return until he is "somebody." He takes to the road with the radicals and becomes a hobo. Calleia, who wanted Miss Harlow, tries to persuade her to obtain a divorce and then marry him. When Miss Harlow finds out that Tracy needs money, she goes to Calleia for a loan. When he refuses to lend her money, she steals some from him and sends it to Tracy. She is arrested and sent to prison. There she gives birth to her baby. The prison officials compel her to send the baby to her sister's home. When Tracy finds it out, he calls on her and suggests to her that she escape. In disgust, she sends him away. But when he is gone she decides to take his advice and, in company with another girl, escapes and goes to her sister's home. She becomes reconciled with Tracy and is happy to hear that he had been reinstated by the union when he had proved his worth by preventing the radicals from blowing up the ships. She goes back to prison to finish her term.

Frances Marion wrote the story, and H. W. Hanemann, Frances Marion, and Anita Loos, the screen play. J. Walter Ruben directed it and David Lewis produced it. In the cast are Una Merkel, Victor Kilian, Mickey Rooney, and others.

It is a little too vulgar for children or Sunday showing. Good for adults. Suitability, *Class B*.

### "King of Burlesque" with Warner Baxter and Alice Faye

(20th Century-Fox, Jan. 3; time, 88½ min.)

Only fair. Most of the entertainment is concentrated in the last three reels,—during a performance of a musical show; in this part, the settings are lavish and the music and dance routines good. But the story is of the typical backstage variety, following a formula; it has not been given any novel twists. Before the first half is over, the spectator knows just what is going to happen and so he loses interest in the outcome. Warner Baxter is effective, but his part is not particularly sympathetic. One does not enjoy seeing a hero behaving like a sap, as Baxter behaves here. At times the comedy is pretty good. Such is the case in the situations in which Gregory Ratoff, who had been engaged to act the part of a millionaire, forgets his real position and imagines that he is an important person. The romantic interest is not pleasant because of the fact that Baxter wastes his love on a worthless woman, neglecting the heroine, who really loves him.

In the development of the plot Baxter, formerly a producer of cheap burlesque shows, becomes a successful producer of Broadway musical comedies. He does not know that Alice Faye, his co-worker, is in love with him. He meets and falls in love with Mona Barrie, an impoverished society girl, and although he knows that she loves him only for his money he marries her. Miss Faye leaves him, accepting a position in London. He insists that she take \$50,000 in bonds as her share of the profits. Following his wife's advice, he produces an artistic musical show, in which he stars her former sweetheart, a singer. The show is a failure. Since Baxter has no more money, his wife leaves him. Miss Faye, hearing of Baxter's plight, returns to America. She engages Ratoff to pose as a millionaire and, through him, she induces Baxter to produce a play, which proves successful. Thus Baxter again reaches the top. He learns of Miss Faye's generosity, and when he realizes that he loves her he marries her.

Vina Delmar wrote the story and Gene Markey and Harry Tugend the screen play. Sidney Lanfield directed it and Darryl F. Zanuck produced it. In the cast are Jack Oakie, Arline Judge, Dixie Dunbar, Fats Waller, and others.

There is nothing offensive in the story and so it is suitable for all. Suitability, *Class A*.

### "The Murder of Dr. Harrigan" with Ricardo Cortez and Kay Linaker

(First Nat'l., Jan. 11; running time, 86 min.)

A fairly good murder mystery melodrama. The actions of several of the characters place them under suspicion of guilt, and so one is held in suspense until the end, when the identity of the murderer is made known. All the action takes place in a hospital, and moves at a fast pace. But there is a bit too much padding; the characters are shown walking to and fro too much. The closing scenes, where the murderer is trapped, hold one in suspense. The comedy, which revolves around some irate patients, is pretty good and relieves the tension. The romantic interest is pleasant, but incidental:—

Robert Strange, founder of a hospital in which he was a patient, orders that his operation be performed by John Eldredge, even though he knew that Eldredge hated him for having refused to share profits with him on a new ether formula. Strange's daughter, also a patient at the hospital, is frantic, fearing that Eldredge might kill her father. On the way to the operating room with Strange, Eldredge is murdered and his body is found in the elevator by Kay Linaker, the nurse in charge of the case. The mystery deepens when Strange disappears. Ricardo Cortez, a doctor in the hospital, does his own investigating. After finding Strange's body in the morgue, he works out the solution of the murder. With the help of the police inspector, he captures the murderer, Philip Reed, an interne. He had committed the murders because he felt that Eldredge and Strange had stolen his share of the profits in the ether formula, after he had given his knowledge and his time to its perfection. The confession clears Miss Linaker, who had been suspected of being implicated in the crime. She accepts Cortez's marriage proposal.

The plot was adapted from the novel, "From This Dark Stairway," by Mignon Eberhardt. Peter Milne and Sy Bartlett wrote the screen play. Frank McDonald directed it and Bryan Foy produced it. In the cast are Mary Astor, Mary Treen, and others.

Not suitable for children, adolescents, or Sundays. Adult entertainment. *Class B*.



**"The Leavenworth Case" with  
Donald Cook, Norman Foster  
and Erin O'Brien-Moore**

(*Republic, Feb. 10; running time, 67 min.*)

In adapting this from the novel, the producers have altered the plot considerably; to such an extent, in fact, that the story is unrecognizable. It is, however, a good murder melodrama, holding the spectator in fair suspense throughout. There is no mystery as to the identity of the murderer, the audience having been made aware of his identity almost from the beginning. But this fact does not detract from the interest, since one does not know how the detective will solve the murder mystery. The comedy, which is aroused by Maude Eburne, as a prying old maid who solves the murder, is good, some of her actions provoking hearty laughs. One is held in suspense in the situations in which Donald Cook, the murderer, is shown attempting to kill Jean Rouverol:—

Cook, by whistling a certain tune, is able to make his pet monkey follow his bidding—that is, entering a room and turning on the gas jet. By this device, he murders Frank Sheridan, the elderly husband of Erin O'Brien-Moore, with whom Cook was in love. He hopes to marry her and share in the fortune she would inherit. Norman Foster, the detective in charge of the case, refuses to accept Cook's theory that the death was either accidental or an act of suicide. Cook attempts to kill two other persons in the same manner, so that Miss O'Brien-Moore's share of the fortune would be bigger; but he is unsuccessful. Foster, with the help of Miss Eburne, who had solved the mystery herself, traps Cook into confessing. Miss O'Brien-Moore becomes insane from the strain and is confined to an asylum. Foster and Miss Rouverol, who had fallen in love, marry.

The plot was adapted from the novel by Anna Katherine Green. Albert DeMond and Sidney Sutherland wrote the screen play. Lewis D. Collins directed it, and Ken Goldsmith supervised it. In the cast are Warren Hymer, Gavin Gordon, Clay Clement, and others.

Unsuitable for either children or adolescents, in theatres where murder melodramas are not shown to them. Good adult entertainment. *Class B.*

**"The Lone Wolf Returns" with Melvyn  
Douglas and Gail Patrick**

(*Columbia, Dec. 31; time, 68 min.*)

A moderately entertaining crook melodrama of program grade. The action is somewhat slow and the situations far-fetched. Comedy has been put into some of the situations but it is forced and tends to retard the action. The closing scenes are fairly exciting and hold one in suspense. Since it is established at the beginning that Melvyn Douglas is a crook, one is not in sympathy with him; but his eventual reformation, effected by his love for Gail Patrick, overcomes the spectator's antagonism. The romantic interest is pleasant:—

Douglas, an international jewel thief, plans to steal Miss Patrick's collection of jewels. But when at a social function he meets her he falls in love with her and decides to go straight. Thurston Hall, a retired detective who had been called back to service to investigate the jewel robberies, keeps a close watch on Douglas. Another gang of thieves, headed by Douglas Dumbrille, steal Miss Patrick's jewels and arrange matters so as to throw suspicion on Douglas. Miss Patrick, who had declared her love for Douglas, is heartbroken. Douglas, through a clever ruse, recovers the stolen jewels and helps Hall round up the gang. He then marries Miss Patrick.

Louis Joseph Vance wrote the story, Joseph Krumgold, Bruce Manning and Lionel Houser the screen play, and Roy William Neill directed it. In the cast are Tala Birell, Henry Mollison, Raymond Walburn, and others.

Because of the robberies it is unsuitable for children, adolescents, or Sundays. Adult entertainment. *Class B.*

**"Mister Hobo" with George Arliss**

(*Gaumont-British, Nov. 22; time, 79 min.*)

This is a pleasant British-made comedy, suitable for American audiences, especially where George Arliss is a favorite. The story is fantastic but novel, and is engrossing entertainment. The situations in which Arliss, a hobo by profession, is wined and dined by Frank Cellier, a banker, who, because he hears that Arliss' name is "Rothschild," believes him to be a member of the famous banking family, should provoke hearty laughter. Arliss is a lovable character; he awakens sympathy by his efforts to do the right thing and help those in need. The manner in which he out-

wits Cellier and brings about his ruin is ingenious and laugh-provoking. He gives a fine performance, somewhat different from his usual characterization of a suave, shrewd business man. At no time does the audience feel that he is more than just a hobo, whose natural intelligence leads him to do the right thing. The love interest is incidental. Paris is the background:—

Arliss and his hobo pal, Gene Gerrard, are arrested for poaching on the estate of Viola Keats. The caretaker refuses to permit them to speak to Miss Keats, with whom Arliss had become friendly when he mended some of her china in return for food. They are taken to the police station. When he gives his name to the police as "Rothschild," he is taken by an officer to the Rothschild bank for investigation. The president is amused, orders Arliss' discharge, and gives him a check for two thousand francs. Gerrard is thrilled and rushes with Arliss to Cellier's bank where he deposits the check. Cellier, knowing that his bank was in a precarious state, and believing that Arliss belonged to the famous banking family, offers him the position of president of his bank, hoping that Arliss' name would help business. From a conversation he overhears Arliss gathers that Cellier was trying to induce Miss Keats and her mother to sell their stock in a valuable mine by leading them to believe that it was worthless. For the purpose of helping Miss Keats, he accepts Cellier's offer. By clever manipulation, he becomes the owner of all the mining stock, which he turns over to Miss Keats. His work finished, he bids every one goodbye, and continues on his merry way as a hobo.

Paul Lafitte wrote the story, Guy Bolton and Maude Howell the screen play, and Milton Rosmer directed it. In the cast are Patrick Knowles, George Hayes, and others.

Suitable for all. *Class A.*

**"The Ghost Goes West" with Robert Donat  
and Jean Parker**

(*United Artists, British-made; Feb. 28; time, 82 min.*)

This picture has some unusually good comedy situations, a novel plot, and fine performances. But on the whole it is entertainment suitable more for the classes than for the masses; its pace is somewhat slow and its humor subtle. The most amusing parts are those in which the ghost appears and is mistaken for a live person thereby puzzling, by its behavior, those with whom it comes in contact. The author has taken a poke, in a satirical fashion, at the social manners of some American millionaires, showing that their tastes are vulgar. The closing scenes are quite exciting and laugh-provoking; there the ghost fulfills its mission on earth and is thus enabled to go to its rest. The romantic interest is charming:—

Glourie and MacLaggan, Scottish clans, are bitter enemies, Murdoch Glourie (Robert Donat), more interested in love-making than in fighting, is forced by his father to go to war, with instructions first to seek out some member of the MacLaggan clan and beat him. The father then dies happy. Murdoch encounters six members of the MacLaggan clan, who steal his sword. Helpless, Murdoch is forced to hide behind a gunpowder keg which is blown to bits, killing him. His father's spirit informs him that since he had died in a humiliating way he will be compelled to roam the earth until he meets a member of the MacLaggan clan and forces him to bow and admit that the Glouries were their superiors. For two hundred years Murdoch roams the Glourie castle, appearing each night at midnight. The castle, now owned by Donald Glourie (played also by Donat), is in a dilapidated state. Donald, besieged by irate creditors, is obliged to sell it to Mr. Martin (Eugene Pallette), a wealthy American, who intends to dismantle it and take it home. Donald agrees to go along with him and his family to Florida to help him put the dismantled house together. Donald is in love with Peggy Martin (Jean Parker), but feels he is too poor to propose. While aboard the ship the ghost makes its appearance at a fancy dress ball, and makes love to Peggy. She mistakes him for Donald and is happy. When the castle is set up in Florida, Mr. Martin gives a party to introduce guests to the ghost. Bigelow, a business rival, laughs derisively at what he calls "Martin's publicity stunt." He insults the Glourie clan and states that he comes from a nobler one—the MacLaggan. The ghost suddenly appears, chases Bigelow through the castle, and forces him to get on his knees and acknowledge the superiority of the Glouries. His duty done, Murdoch is now ready to enjoy heavenly rest. He bids Donald good bye. Donald and Peggy marry.

Robert E. Sherwood and Lajos Biro wrote the screenplay, Rene Clair directed it, and Alexander Korda produced it in England. Everly Gregg, Elsa Lanchester, and others are in the cast.

Suitable for all. Suitability, *Class A.*



est number of theatres of any other Fox picture of that season indicates conclusively that the exhibitors do not cancel "socially desirable" pictures, just because they are clean, in preference to "socially undesirable" pictures, because they make them more money, as Hays' men have often asserted. The case of the Will Rogers as well as of the Janet Gaynor (very popular at that time) pictures speak eloquently that the independent exhibitors do want clean pictures—do want entertaining pictures, and that the high number of cancellations in the case of "After the Ball," that they will not book a picture just because it deals with sex.

But the Hays figures regarding "After the Ball" are definitely inaccurate; Let me present the facts:

The 1932-33 Fox contract does not contain, as said last week, the title of this picture. Nor does it contain anything that resembles its story, for the simple reason that this picture, along with "F. P. I.," both Gaumont-British, were imported from England by Sidney Kent. At that time the Fox Film Corporation owned fifty per cent of the Gaumont-British common stock and when Kent went to England to adjust some differences that arose between Fox and Gaumont he entered into a "moral" understanding with the Gaumont-British officials, promising to do whatever he could to promote the Gaumont-British interests in the United States by releasing some of their pictures. Such a promise was not contrary to the interests of Fox, because the enhancement of the value of the Gaumont-British stock benefited also the Fox Film Corporation, but it was contrary to the interests of the exhibitors of the United States, for "After the Ball" was so filthy, as I have stated in these columns so often, that many exhibitors either refused to play and pay for it, or paid for it and shelved it.

Now, the theatre units to which the Fox Film Corporation could sell its pictures in that season were about seven thousand. At least ninety-five per cent of these units bought their pictures before the middle of the season, that is, about January 1; and since "After the Ball" was not released until March 17, 1933, that is, the tail-end of the season, the Fox Film Corporation could not have sold 3,101 contracts in which the title of this picture was mentioned; it was delivered merely as one of the untitled pictures. As a matter of fact, it could not have sold, to small towns and villages, more than two hundred contracts after March 17, in which its title could be mentioned. And yet the Hays association makes a statement in print that 3,101 contracts were concluded on this picture, and that only 2,531 contracts played it. The number of exhibitors who cancelled this filthy piece of Kent junk is, as a matter of fact, much higher than the Hays pamphlet leads one to believe: The number of units to which the Fox Film Corporation sold its pictures in the 1932-33 season was, as said, approximately 7,000, and since only 2,531 theatres played it the number of theatres that cancelled it under one clause or another was, not 570, but approximately 4,500. And this speaks well for the intelligence of the exhibitors, who found some way of keeping this picture off their screens.

*(To be continued)*

## CLASSIFICATION OF PICTURES

The following are the latest feature pictures that have been classified by the Chicago Legion of Decency:

**CLASS A** (Good for the entire family): "The Adventures of Frank Merriwell," "Antek Policemajester," "Burning Gold," "Chatterbox," "Dangerous Intrigue," "Der Himmel Ouf Erden," "Furst Seppl," "Krach Un Jolanthe," "The Last of the Clintons," "The Man from Guntown," "Magnificent Obsession," "Prodana Nevesta," "Professional Soldier," "Rose of the Rancho," "Sagebrush Troubadour," "Skull and Crown," "The Story of Louis Pasteur," "Suicide Squad," "Three Live Ghosts," "Two in the Dark," and "Wildcat Saunders."

**CLASS B** (Unsuitable for either children or adolescents but are neither approved nor disapproved for adults): "Alias John Law," "Between Men," "Fighting Coward," "First a Girl," "Her Master's Voice," "King of Burlesque," "The Lone Wolf Returns," and "Midnight Phantom."

## A WISE CONTRACT PROVISION

Prompted by the editorial, "Here Is a Good One," printed in the December 28 issue, dealing with the raising of the "average" of pictures by the distributors' failing to deliver the entire number of feature pictures they announce each season, an exhibitor of California has written me giving me the system he uses to prevent such an occurrence. He puts the following provision into his contracts:

10 pictures at \$46.00 each  
10 pictures at \$46.00 each  
10 pictures at \$46.00 each  
20 pictures at \$46.00 each

"In this way," this exhibitor says, "if some of the pictures are not delivered I am not out. The salesman cannot refuse to insert into my contract such a provision, for if he refuses then he admits that all the pictures will not be delivered."

A better way to do would be to frame the provision in the following manner:

"Fifty pictures at an average price of \$46.00 each, regardless of price allocation for each picture."

A salesman is likely to accept such a provision much easier than the other kind. Many of the distributors allocate the prices for reasons we are not familiar with, and the salesman will fight harder to retain the right to allocate the prices than to obtain the contract itself. The provision suggested by this paper allows the distributor to allocate his own prices, well enough, but it does not make it possible for him to exact from the exhibitor a higher average. But if an exhibitor can induce the salesman to insert into the contract, "Fifty pictures at a \$46.00 average for each picture," it is better yet.

## NEWSREELS IN POLITICS

Lately the newsweeklies have entered the partisan political field. They boost for the one party, condemning the policies of the other party by either omission of presenting such party's accomplishments, or by subtly implying that the other party's policies are unsound.

In view of the fact that the exhibitors belong to all parties, an act of this kind is contrary to their political interests.

Even if all the exhibitors belonged to the party praised by the newsweeklies, either openly or subtly, this practice is hurting the interests of the exhibitors, for the picture-going public belong to many parties and when they see the policies of their own party criticized they naturally resent it.

HARRISON'S REPORTS is watching the newsweeklies closely with a view to making a report in these columns. In the meantime I would suggest to every one of you to protest to the distributor of your newsweekly if you should find any political propaganda in any one of the issues.

## A PRODUCER'S WISE DECISION

On the evening of January 12, a Warner Bros. representative, while speaking over the radio, stated that his company would spend, in the next picture season, \$18,000,000 for the pictures of the two companies, Warner Bros. and First National, but under a new policy: the story will be selected first, and then the players will be chosen to fit the parts of the different characters.

Warner Bros. will benefit not only themselves but also the entire industry if they should adopt such a policy, for it cannot help being successful, and when the other producers find out that it is successful they will adopt it.

## LOOK OVER YOUR FILES

Around the holidays a copy of your HARRISON'S REPORTS may have gone astray. Look over your files and if you find one missing, let us know so that we may duplicate it. A sufficient number of copies of each issue is held in stock to provide for such an emergency.



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## A REVIEWING SERVICE FREE FROM THE INFLUENCE OF FILM ADVERTISING

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### If Fox Should Refuse to Deliver the Zanuck Pictures!

After the thorough discussion that was made of the status of the Zanuck pictures in the Twentieth Century-Fox Corporation in the issues of November 16 and 30, and of December 7 and 14, and the determination of the issues involved, we all felt that the executives of Twentieth Century-Fox would abandon their recalcitrant attitude toward those exhibitors who demanded the delivery of the Zanuck pictures on their contracts, entered into before the merger, on the ground that these contracts covered all Fox pictures and not part of them. But it seems as if these executives, having found themselves in a tight corner, are trying to wiggle out from under the obligations they undertook, by projecting one thousand and one excuses to refrain from delivering the Zanuck pictures.

To make the matter clearer in the minds of all those exhibitors who hold either Fox contracts, made before the merger, or Twentieth Century-Fox contracts, let me summarize the facts as presented in the aforementioned issues of HARRISON'S REPORTS:

There are five types of contracts entered into between the Fox organization, pre-merger and after-merger; these are the following:

(1) Contracts that were made before July, last year, containing the following provision:

"There are licensed for exhibition hereunder all of the sound photoplays of feature length, not to exceed fifty-two (52), and not less than forty (40), which shall be generally released by the Distributor for distribution to motion picture theatres in the United States during the year commencing August 1, 1935 and ending July 31, 1936, except such photoplays as Distributor is required by contract to obtain the consent or approval of the Producer thereof or other party to the terms and conditions of licensing the exhibition thereof. The 'roadshowing,' 'pre-view' and/or 'pre-release' of any photoplay during the said year shall not be deemed a general release of said photoplay." (The form that was employed in this type of contract was that of 1934: K-2, only the figure "5" was typed over the "4," in "1934," and "K-3" was typed over "K-2.") Exhibitors who have this type of contracts are entitled to the Zanuck pictures (Twentieth Century-Fox Productions.)

(2) Contracts which were made before July, 1935, and which have the aforementioned provision in it, but in which there was typed the following provision or some provision similar to it: "Except Twentieth Century Productions which photoplays will be licensed under separate contract." These do not include the Zanuck pictures and exhibitors who have such contracts are not entitled to them.

(3) Contracts that were made on or after July, 1935, and contain the following provision:

"There are licensed for exhibition hereunder all of the sound photoplays of feature length, not to exceed fifty (50), and not less than forty (40), which shall be generally released by the Distributor for distribution to motion picture theatres in the United States during the year commencing August 1, 1935, and ending July 31, 1936, except such photoplays as Distributor is required by contract to obtain the consent or approval of the Producer thereof or other party to the terms and conditions of licensing the exhibition thereof, and except the photoplay 'Dante's Inferno' and except such photoplays as may be released by the Distributor, under the designation of 'Twentieth Century Productions,' which photoplays will be licensed under separate contract. The 'road showing,' 'pre-view' and/or 'pre-release' of any photoplay during the said year shall not be deemed a general release of said photoplay." (Italics are ours.)

Exhibitors holding such a contract are not entitled to the Zanuck pictures.

(4) Exhibitors holding contracts with a provision as in form (1) but limiting the number of pictures deliverable to a lesser number than the minimum number Twentieth Century-Fox will deliver during the 1935-36 season.

Holders of such contracts cannot compel the distributor to deliver the Zanuck pictures by reason of the fact that the distributor can complete the required number from his other pictures.

For instance, I have before me a contract calling for six pictures in the "A" classification, twelve pictures in the "B" classification, and twelve pictures in the "C" classification, with the following provision: "Number of photoplays offered, 50; Number of photoplays licensed, 32." If the distributor could deliver thirty-two pictures from his regular program without touching the Zanuck pictures, then this exhibitor and all exhibitors who hold this type of contract cannot compel Twentieth Century-Fox to deliver the Zanuck pictures.

(5) Exhibitors who hold type (1) contract but, having been made by a Fox representative to believe that they are not entitled to the Zanuck pictures, signed a separate contract for the Zanuck pictures ("Twentieth Century Productions"). Exhibitors of this class are entitled to the Zanuck ("Twentieth Century Productions") under their first contract. In other words, the contract they signed for the twelve Twentieth Century Productions is to be considered as non-existent, in accordance with the interpretation that was given in the December 14 issue of HARRISON'S REPORTS.

Twentieth Century-Fox executives are now putting forward another excuse in an effort to avoid delivering the Zanuck pictures to exhibitors holding the type of contracts described in (1) and (5); they say that, according to the clause "except such photoplays as Distributor is required by contract to obtain the consent and approval of the Producer thereof or other party to the terms and conditions of licensing the exhibition thereof," they require the approval of Darryl Zanuck before the contract may become valid. Such an excuse is flimsy and will not, according to competent legal opinion, stand in court, by reason of the fact that Darryl Zanuck is not an independent producer, releasing his pictures through Twentieth Century-Fox on a separate contract; he is merely an employee of that organization, being paid a weekly salary for the purpose of supervising the production of all Twentieth Century-Fox pictures. The producer of the Zanuck pictures is Twentieth Century-Fox; and that company does not require the consent of itself to perform a contract it has made.

Let us hope that this explanation, after the detailed analysis of the situation made in the issues of November 16 and 30 and of December 7 and 14, will make so clear the exhibitors' rights as to make it unnecessary for this office to answer individual exhibitor inquiries as to their rights in the matter, and that Twentieth Century-Fox will cease annoying the exhibitors holding contracts of the (1) and (5) form by refusing to deliver the Zanuck pictures to them.

Exhibitors should not ask of this paper to advise them what to do in case the distributor refuses to deliver these pictures,—whether or not they should bring suit either alone or in conjunction with other exhibitors. Advice of this kind may be given only by a lawyer, and it is a lawyer they should consult if they should wish to compel the distributor to respect their rights.

Allied States Association has put out a pamphlet setting forth clear arguments against the practice of block booking and blind selling. Those of you who wish to offset the producers' misleading propaganda against the Pettengill Bill should obtain a number of copies for distribution among the prominent citizens of your towns.



**"Exclusive Story" with Franchot Tone,  
Madge Evans and Stuart Erwin**  
(MGM, January 17; running time, 74 min.)

A good action melodrama, dealing with the lottery racket. Although the story is a little far-fetched, it holds one's attention throughout owing to the melodramatic action, the result of the activities of gangsters; the fast pace does not let up for one moment. One of the most thrilling situations is that in which Franchot Tone, while photographing scenes of a ship fire from an aeroplane, falls; being equipped with a parachute, he is not killed. The scenes aboard a ship during a fire are portrayed realistically. One feels sympathy for Madge Evans and for J. Farrell MacDonald, her father, who are hounded by the gangsters when they refuse to play their game. Tone wins one's admiration for his courage in fighting the crooked forces. The situation in which he forces a confession from Joseph Calleia is extremely exciting. Stuart Erwin, an honest newspaper reporter who joins in the fight against the gangsters, is a pleasant character. He relieves the tension with his comedy:

MacDonald, a storekeeper, is ordered by Calleia and his gang, against his will, to sell numbers in a gambling pool to poor customers. When he attempts to sell his store to the opposing gang so as to get away, a notice is sent to him in the form of the dead body of the opposing gang leader, warning him not to do so. Miss Evans goes to Erwin, a renowned reporter, for his help in exposing the gang. Tone, the lawyer for the newspaper owner, accepts a special assignment to investigate the gang and work with Erwin. MacDonald is finally successful in selling the store, and he agrees to take a cargo down to Cuba. He did not realize it was a trick to get rid of him. When he arrives there he learns that his cargo was liquid fire and that he would have to take it back. He does not warn the Captain of this. A fire breaks out on the ship, causing many deaths. MacDonald arrives home heartbroken, but ready to give testimony involving Calleia and his gang. But they kill him. Tone's fiancée, Louise Henry, is kidnapped and a warning is sent to Tone that unless he withdraws from the investigation they will kill her. Eventually Tone forces a confession from Calleia as to the killings and to the whereabouts of his fiancée; he saves her. Miss Henry, realizing that Tone loved Miss Evans, releases him.

Martin Mooney wrote the story, Michael Fessier the screen play, George B. Seitz directed it and Lucien Hubbard produced it. In the cast are Robert Barrat, Margaret Irving, and others.

It is a little too strong for children or adolescents; very good for adults. *Class B.*

**"The Dark Hour" with Ray Walker  
and Irene Ware**

(Chesterfield, January 10; running time, 69 min.)

A well produced, intelligently directed, murder mystery melodrama. It is so cleverly contrived, and so many persons are under suspicion, that one cannot be certain at any time as to the identity of the murderer. The ending is something of a surprise because the man who had actually committed the murder was the one least suspected. There is no foolish type of comedy, caused by a stupid detective bungling matters up; instead, the mystery is worked out in a sensible manner and is certain to please followers of this type of melodrama. There is no comedy relief, but this in no way affects the entertainment values of the picture. The romantic interest is pleasant:—

Ray Walker, a detective, in love with Irene Ware, resent her uncle's (William V. Mong's) interference. When Mong is murdered, Walker is assigned to the case; he asks Berton Churchill, a retired detective, to aid him in solving it. They work together, questioning members of the household as well as relatives. Walker suspects Hedda Hopper, Mong's sister; Churchill resents this because he is in love with her. While the investigation is taking place another murder occurs—that of the butler (E. E. Clive.) Churchill finally solves the mystery by proving that Hobart Bosworth, Mong's brother, had committed the crimes—the first one in order to inherit his brother's fortune, and the second one because Clive had caught him in the act. But Walker is not satisfied with this conclusion. He accuses Churchill of having first killed Mong by administering poison gas through a connection in the chandelier. Churchill, thinking that Miss Hopper had done it, and in order to protect her, willingly assumes the blame. But Miss Hopper tells him this is not necessary since she had found out that the person who had committed the murder

was her devoted Chinese houseman, who had once overheard her saying that Mong ought to be killed, and thinking that it was for his mistress' sake he had administered the poison gas. She had sent him back to China. Walker and Miss Ware plan to marry.

Sinclair Gluck wrote the story, Ewart Adamson the screen play, Charles Lamont directed it and George R. Batcheller produced it.

Because of the murders it is hardly suitable for children or adolescents. But it is very good for adults. *Class B.*

**"I Conquer the Sea" with Steffi Duna,  
Stanley Morner and Douglas Walton**

(Halperin Prod.; running time, 66½ min.)

Pretty good entertainment. The interesting feature of this picture is the Newfoundland whaling country background, and the actual scenes of the fishermen harpooning a whale and bringing it in. These scenes are thrilling, for the task is not an easy one. The fishermen are always in danger because they work from a small boat which could capsize very easily. The most exciting and at the same time heart-rending situation is the one in which Stanley Morner, a brave young man and the best harpooner, gets his arm caught in the boat seat and in the rope attached to a harpoon; but he refuses to permit the men to cut the rope, for it would mean losing the whale. The result is that the whale is caught but his arm is torn off. Morner gives an excellent performance and awakens deep sympathy. For that reason one feels sorry when he meets with disappointment in his love affair with Steffi Duna, an occurrence which eventually brings about his death. A dramatic situation is the one in which Morner, seeing an amulet belonging to Miss Duna, his fiancée, hanging from his brother's neck, and realizing that it must have been given to him by Miss Duna as a token of love, becomes reckless and insists on harpooning two whales at one time. The men are unable to cope with it, the boat capsizes, and the fishermen, with the exception of the two brothers, drown. Walton saves Morner, who, because of exhaustion and of the fact that he had only one arm, was helpless. He leaves Morner on a rock, tied to a raft, so that in case he drifted off he could float until Walton returned with help. But as soon as Walton leaves, Morner, knowing that he stood in the way of his brother's and Miss Duna's happiness, frees himself and drifts out to the sea, where he drowns. Walton and Miss Duna are heartbroken, realizing that the sacrifice had been made for them.

Richard Carroll wrote the story and screen play. Victor Halperin directed it and Edward Halperin produced it. Others in the cast are George Cleveland and Charles McMurphy.

Suitable for all. *Class A.* Very good for small towns.

**"My Marriage" with Claire Trevor,  
Kent Taylor and Paul Kelly**

(20th Century-Fox, January 31; running time, 68 min.)

Fair program entertainment. Although the plot is routine, one's attention is held because of the sympathy that Claire Trevor, the heroine, awakens by displaying a noble character. For instance, knowing that Thomas Beck, her brother-in-law, was involved in the murder of her father and was responsible for the death of the gangster who had committed the murder, she refuses to divulge the facts, willingly becoming implicated herself, so as to save Kent Taylor, her husband, and Pauline Frederick, her mother-in-law, from unhappiness which a scandal would cause. The audience respects her for this act, particularly in view of the fact that Miss Frederick had treated her shamefully and had even tried to break up her marriage with Taylor. She felt that Miss Trevor was not good enough for Taylor since it had been disclosed that her father had been the owner of gambling establishments and not a legitimate business man. Paul Kelly's actions in standing by Miss Trevor during her difficulties and effecting a reconciliation between her and Taylor are commendable. The situation in which Kelly faces Ralf Harolde, the murderer, and forces a confession from him, eventually killing him in self defense, is pretty exciting. The ending is satisfactory; Miss Frederick, realizing the wrong she had done, begs for forgiveness.

Frances Hyland wrote the original screen play; George Archainbaud directed it and Sol M. Wurtzel produced it. In the cast are Helen Wood, Thomas Beck, Beryl Mercer, Henry Kolker, and others.

Suitable for all. Suitability, *Class A.*



**"Ceiling Zero" with James Cagney,  
Pat O'Brien and June Travis**

(First National, January 25; time, 94½ min.)

A thrilling air melodrama, but somewhat depressing because of the death of two of the leading characters. The situation in which Stuart Erwin, a pilot, is lost in the fog, frantically sending radio messages to his dispatching office, is the most thrilling. The audience feels the feverish excitement that grips every one in the office and, although one feels certain that Erwin will crash, when this does happen one receives a terrific shock. Never has the crash of a plane been built up to such an exciting finale. Another depressing feature is the presence in the dispatching office of Gary Owen, a former crack-pilot, who, because of a crackup, had become practically a nitwit, and could not even clean a door knob properly. The tension is relieved throughout by comedy, mostly in the form of wisecracks which, although pretty vulgar at times, will undoubtedly provoke hearty laughter. Most of the characters are pleasant. Cagney's actions are not of the type to awaken one's sympathy, but his gay manner makes him a likeable person. The friendship between Cagney and O'Brien is inspiring:—

Cagney, a crack pilot, is noted for two things—his courage in the air and his many love affairs. Barton MacLane, owner of the aeroplane company, warns O'Brien, the superintendent, that unless Cagney changes his habits he will be forced to dispense with his services. O'Brien warns him that if he ever does that he, too, will resign. Cagney becomes infatuated with June Travis, sweetheart of Henry Wadsworth, one of the pilots, and sets out to win her. His friends plead with him not to do this because they know he cannot be serious and feel that he will break Miss Travis' heart. In order to keep a date with her, Cagney pretends to have a heart attack and induces Erwin to take his place in the night mail plane. Erwin is caught in a dense fog and crashes. He dies from his injuries. Isabel Jewell, Erwin's wife, berates Cagney for his callousness. Because of Erwin's death and the fact that his own flying license is revoked, Cagney is downhearted. When Miss Travis offers to cheer him up, he gives her the key to his apartment, asking her to go there, and promising to follow in a short time. O'Brien rushes over to the hospital and leaves Cagney in charge. When Cagney sees Wadsworth prepare to take off in the fog on a defrosting test flight, he decides that the best thing he could do would be to take Wadsworth's place. He knocks him out and takes off in the plane. He sends radio messages as to his progress, but refuses to follow O'Brien's orders to return. The plane becomes so heavily caked with ice that it crashes and Cagney is killed.

The plot was adapted from the stage play by Frank Wead. Mr. Wead and Morrie Ryskind wrote the screen play. Howard Hawks directed and produced it. In the cast are Craig Reynolds, Richard Purcell, Pat West, and others.

Because of the wisecracks it is unsuitable for children or adolescents. Adult entertainment. *Class B.*

**"Strike Me Pink" with Eddie Cantor,  
Sally Eilers and Ethel Merman**

(United Artists, January 17; time, 99½ min.)

Good! Eddie Cantor romps through the picture in his usual comical fashion, provoking laughs by his efforts to change from a timid tailor to a fearless amusement park manager. An added attraction for those who have listened in on his radio programs and have been amused by his assistant "Parkyakakus," is the novelty of actually seeing this character teamed with Cantor; the few scenes in which they appear together, particularly those in which they accidentally go up in a balloon, are very comical. Ethel Merman sings effectively popular songs to the taste of the masses. The action is fast, combining thrills with comedy and romance. The closing scenes, although of the slapstick variety, are uproariously funny and so exciting that they should hold the audience in tense suspense—in an effort to escape gangsters who were pursuing him, intent on killing him, Cantor slides from a roller coaster into a balloon from which he eventually falls, only to be caught by acrobats who were performing in the air and who make him part of their act.

The plot was adapted from the *Saturday Evening Post* story "Dreamland," by Clarence Buddington Kelland. Frank Butler, Walter DeLeon and Francis Martin wrote the screen play. Norman Taurog directed it and Samuel Goldwyn produced it. In the cast are Clyde Hager, Sidney H. Fields, William Frawley, and others.

Suitable for all. *Class A.*

**"Three Live Ghosts" with Richard Arlen  
and Beryl Mercer**

(MGM, January 10; running time, 61 min.)

This picture was produced by United Artists in 1929 and three of the actors who appeared in the earlier version appear also in this one—Beryl Mercer, Claude Allister, and Charles McNaughton. It is amusing program entertainment and should satisfy the average audience. Several of the situations are extremely comical, owing to the antics of Beryl Mercer, a gin-drinking old woman, always on the lookout for an "easy" dollar. Comedy is aroused also by Allister, a shell-shocked kleptomaniac. The situation in which he, after one of his roaming expeditions, returns to his buddies dressed in fine clothes, wheeling a perambulator with a baby in it, with his pockets filled with jewels, should provoke hearty laughter. One is held in suspense throughout, not knowing how the group will contend with their friend's impulse to steal. Another reason is the fact that Miss Mercer, who knew that Richard Arlen, her son's buddy, was being sought by Scotland Yard, endeavors to turn him over to them in order to collect a reward. Although one can guess what the outcome will be, the manner in which it is effected should please the spectator. It develops that Allister, who had recovered his memory after being struck on the head, was really a Lord and had pilfered his own home, stealing his own baby. Arlen had been cleared of the charges against him and was heir to his father's estate. This enables him to marry Cecelia Parker, the girl he loved. McNaughton, the third of the buddies, and Miss Mercer, his mother, benefit by their friend's good fortunes.

The plot was adapted from the play by Frederick S. Isham. C. Gardner Sullivan wrote the screen play, H. Bruce Humberstone directed it, and John W. Considine produced it. In the cast are Dudley Digges, Nydia Westman, Jonathan Hale, and others.

Suitable for all. Suitability, *Class A.*

**"Her Master's Voice" with Edward  
Everett Horton, Peggy Conklin and  
Laura Hope Crews**

(Paramount, January 17; running time, 75 min.)

A fair program farce. There are a few situations that are quite comical as a result of Laura Hope Crews' mistaking her niece's husband, Edward Everett Horton, for a butler, and thinking that he loved her. Although it is a little silly at times, it will probably get by with non-discriminating people. The spectator is held in fair suspense, not knowing how Miss Crews will learn of her mistake; the manner in which this occurs is comical, but the events leading up to it are somewhat risqué. Since all the characters are agreeable, one is pleased at the ending:—

Horton takes his mother-in-law's advice about asking his employer for an increase, only to find himself without a position. This discourages his wife (Peggy Conklin), and they quarrel. Miss Crews, Peggy's wealthy aunt, arrives at her home and when she finds Horton, whom she had never met, cleaning the house, she mistakes him for the butler and has quite a chat with him. Horton, his wife, and his mother-in-law decide to keep Miss Crews in ignorance. She takes Miss Conklin to her country home for a rest and suggests to Horton that he, too, go as the butler. Horton goes. Peggy, who had been put on the sleeping porch by her aunt, complains of the cold. Miss Crews sends her to her own room and uses the porch bed herself. Horton, thinking that his wife was on the porch, climbs up there one night and starts talking in endearing terms. Miss Crews awakens and, not realizing that it was Miss Conklin Horton had expected to find here, thinks that he has romantic inclinations towards her. The next day Miss Conklin confesses everything. Miss Crews forgives them because she had become so fond of Horton. The whole family is surprised to find that Horton had been singing over the radio under an assumed name since he had left his position and was popular. Miss Conklin and Horton are happy when her mother decides to marry and leave them alone.

The plot was adapted from the play by Clare Kummer. Dore Schary and Harry Sanber wrote the screen play. Joseph Santley directed it and Walter Wauger producer it. In the cast are Elizabeth Patterson, Grant Mitchell, and others.

Because of the one situation on the porch and the conversation following it, it is unsuitable for children or adolescents. Harmless for adults. *Class B.*



## HAYS' MISREPRESENTATIONS ON BLOCK BOOKING

(Continued from last week)

In last week's article I made a comparison between the number of theatres that canceled, in accordance with the Hays pamphlet, "After the Ball," and the possible actual number that cancelled it. The Hays pamphlet stated that 570 theatres canceled it from the total number of 3,101 contracts, whereas I proved that the number of theatres that refused to play it for one cause or another must have been around 4,500.

Since the time that article was printed I have received reliable information to the effect that this picture took in in the United States about \$60,000. Dividing this figure by 2,531, the number of theatres which, in accordance with the Hays figures, played it, we find that an average of \$23.70 was paid by each theatre, some theatres paying more, and some less—as low as \$10 for the engagement.

In other words, the picture was played almost exclusively by small-town theatres. The reason for it is that such theatres, being away from the center of distribution, are not likely to get information about the sort of picture "After the Ball" was, and that the proprietors of theatres in the larger spots canceled it because they were in a position to obtain information about it. One cannot imagine that small town exhibitors would play a picture of this kind when big-city exhibitors, who are supposed to "pack" their theatres with sex pictures, would cancel it.

The author of the Hays pamphlet, in order to convince his readers that the exhibitors prefer dirty to clean pictures, stated that, although the Clara Bow picture "Call Her Savage" had been criticized on "social grounds," more exhibitors booked it than any other Fox picture that season with the exception of the five pictures mentioned last week. This is certainly an unfair comparison, for he withholds information that would throw some light upon this occurrence. Such information HARRISON'S REPORTS will supply.

Just previously to the time this picture was released, Clara Bow had been in the public eye; and as a result of that publicity her picture was in great demand.

But why blame the exhibitor? He did not make the picture! It was made by a company that contributes, in accordance with the admission of Sidney Kent (President of Twentieth Century-Fox) to the Sirovich committee that investigated the producers' lobbying activities in Washington, \$100,000 a year for the upkeep of the Hays association. Why should Mr. Hays blame the exhibitors when he did not turn back the yearly contribution of that company with a notice cancelling its membership in the Hays association for having produced such a picture? Besides, that picture contained less filth than is contained in many of the pictures released by major companies nowadays.

Before concluding the Hays arguments in the case of the Fox product for the 1932-33 season, let me call your attention to another rank misstatement of facts. Like "State Fair," "Cavalcade" was sold, not in the block, but individually, for the simple reason that the Fox company thought it would make more money by selling it "unblocked," or unpaired with other pictures, than it would by including it in the block. And yet the author of the Hays pamphlet employs a falsehood to prove the soundness of the block booking system, so as to offset the efforts of those who are trying to induce Congress to outlaw block booking and blind selling by means of a law, this time the Pettengill Bill.

The author says that only 7,230 contracts were concluded for "Cavalcade" to 8,420 for "Call Her Savage," but he fails to inform the readers of his pamphlet that "Cavalcade" was a road show picture, and that the terms the Fox organization was demanding were so unreasonable in some cases that many exhibitors could not afford to show it. Another reason for the smaller number of contracts is the fact that an increase of admission prices was demanded of every exhibitor who booked this picture; and many exhibitors found an increase of admission prices for a picture injurious to their business. But the author of the Hays pamphlet fails to make this point clear. Thus he attempts to win an argument by biting his opponent's nose.

The same kind of holes can be made in his arguments on the other companies' pictures, a list of which he gives in the pamphlet with the same object in view.

Under the heading "Block Booking Not a Social Issue" (Page 31), the author says:

"The social protest against block booking is an eloquent example of the power of propaganda to mislead, even in a worthy cause." I don't know whether one should laugh at such a statement or weep: Who is putting out misleading propaganda? Manifestly he refers to the theatre owners and the heads of their organizations. But in which respect are their statements misleading? And why does the author of the Hays pamphlet not sign his name to it; why does the Hays association withhold its name from it, if the statements in the pamphlet have been designed to offset the exhibitors' misleading propaganda? They know very well who does the misleading. As a matter of fact, this author has undoubtedly been engaged by the Hays association to write this propaganda on pay, and has employed only such facts and figures as have been furnished him by those who employed him. He might not know himself whether these facts and figures are accurate or inaccurate; he may have just received the information and proceeded to build on it their defense of block booking and blind selling.

"If the elimination of block booking and blind selling could provide a short cut to higher standards of motion picture taste, or even contribute toward them," the pamphlet says, "it is only fair to assume that all responsible elements in the motion picture industry would welcome its immediate abolition." If the author implies that those who paid "honoraria" to church people to keep them from shouting against the filthy pictures the members of the Hays association have been producing for years, or those who gave to the American public repeatedly promises to the effect that the pictures would be purged of their vileness and just as repeatedly broke them; if he means that those who replied with unprintable language to the pleas of a prominent Roman Catholic Bishop for cleaning up the screen—if he means that all these are the responsible elements he had in mind, there is nothing that we can say, for our standards of judgment vary.

There has been much producer propaganda against the Pettengill Bill. Such propaganda has been put out either directly or indirectly: directly, by the Hays association and by some of the exchanges of major distributors; indirectly through exhibitor leaders that are tools of the Hays association. As far as those of you who are informed on the subject, or those of you who wish to be informed, are concerned, allow me to say that the passage of the Pettengill Bill will not hurt the interests of the exhibitors. There is nothing in the Bill that will outlaw voluntary block booking; it is the compulsory feature of block booking that it will outlaw.

Nor will it harm the interests of the producers. If anything, it will help them, for if you were to be able to select the choice pictures from each company—the Norma Shearers, the Clark Gables, the Joan Crawford, the Cagneys, the Claudette Colberts, the Shirley Temples, the Katherine Hepburns, the Fred Astaires-Ginger Rogers, the Eddie Cantors, and the pictures of other stars, of first and lesser rank, you will be willing to pay more money for such pictures—glad to, because you will be taking in greatly more money. Thus the producers will be taking in more money from fewer pictures but from a greater number of exhibitors.

The number of play-dates throughout the nation are definite in number. These can be filled only by the pictures that are produced each season. If an exhibitor were to be allowed to fill such playdates with the best pictures, he would be buying pictures perhaps from all the distributors instead of from two, three, or four, as is the case today. In this manner, whatever business a producer may lose from one exhibitor, to whom he is now selling his product in block form, he will more than make up from the playdates that will immediately become available to him, of theatres from which he was shut out before. But the producers cannot seem to understand simple arithmetic; and since they cannot be made to understand it, the Pettengill Bill must be forced on them, just as it happened with the matter of clean pictures; they are making more money now than they made with dirty pictures, and they are not called upon to dig into their pockets with which to fight an aroused public. With a law outlawing block booking and blind selling on the statute books, there will be even greater security for them, for the one who will be responsible for the tone of the picture entertainment will no longer be the producer; it will be the exhibitor. And this is as it should be, for after all it is the exhibitor who comes in contact with the public and learns of their needs; it should be the exhibitor, then, who should say what type of pictures should be shown on his screen.



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### GUILTY AGAIN!

Many of you remember, I am sure, that on January 31, 1935, Judge George A. Walsh, of the District Court in Philadelphia, ordered Fox Film Corporation, Metro-Goldwyn-Mayer, Paramount, RKO, United Artists and Warner Bros. to cease and discontinue their "agreement, conspiracy and combination to prohibit the exhibition of feature films," distributed by them "in conjunction with other feature programs on double feature programs."

Part of the decision reads as follows:

"The defendants have entered into a combination and conspiracy in restraint of trade among the several states and have carried out the purpose of said combination by inserting in their distribution contracts the respective clauses prohibiting the use of their feature films with other feature films in double feature programs.

"Defendants have combined and conspired among themselves and with others to insert in their respective contracts the double feature clauses which tend to create a monopoly in the trade and commerce among the several states of distributing and exhibiting of motion pictures."

Under "Conclusions of Law," Paragraph 4, Judge Walsh said:

"The provisions in the defendants' contracts prohibiting the use of the feature films distributed by them on double feature programs violate the Sherman Anti-Trust Act and the Clayton Act and are illegal and void."

The defendants appealed from Judge Walsh's decision to the Circuit Court of Appeals and on January 16, this Court, consisting of Circuit Judges Buffington, Davis and Thompson, upheld the lower court.

Part of the decision of this Court reads as follows:

"The defendants contend that there is no evidence of a combination or conspiracy among the defendants concerning the double feature clauses contained in the plaintiffs' contracts and that if the evidence supported such a finding, the restrictive clauses constitute neither a violation of the Sherman Act nor of the Clayton Act.

"The first question is whether or not the defendants have as a fact combined and conspired to prohibit the exhibition of double features. We have no power to disturb the finding of the District Court if there is any substantial evidence to support it.

"It is admitted that double featuring has been a serious problem in the industry. In some sections of the country it is a common practice in motion picture theatres. In certain urban districts, small theatres generally independently owned have resorted to the practice to enable them to compete with the larger, more luxurious theatres which enjoy the privileges of exhibiting first run motion pictures and other attractions. Without enlarging on that condition in the industry, a great many implications immediately arise.

"The testimony bears them out despite the insistence of the defendants by a greater number of witnesses that they have neither combined, nor conspired nor agreed to destroy the practice of exhibiting double features.

"There is testimony to the following effect:

"The defendants are connected with the strongest interests of the industry. They distribute more than half of the annual production in which the artists who command the largest audiences are displayed. Their productions are the most comprehensive and pleasing. While they compete among themselves, they have a common interest in confronting the minor or independent producers who lack the resources to manufacture exhibitions on their scale. The independent theatres require their productions in order to continue in business. But to improve their business and to permit them in some fashion, other than by offering lower

prices of admission, to carry on in the face of the de luxe theatres, they must exhibit double features. The independent theatres generally purchase the second full length film from the independent producer but they are prohibited from exhibiting double features, as in the case of the plaintiffs, by their contracts with the major producers. Thus, they purchase less films from the independent producers.

"With such a situation existing in the industry, one might logically be struck with the idea that it is more than mere coincidence that the defendants who represent a large majority of the major producers are in unanimity in prohibiting double features in their contracts. The fact that this unanimity of purpose is not carried out formally in the same language does not destroy the inference. Coincidence in form as well as purpose might have been fatal; while here the plaintiffs are required to bring forward other evidence to establish their case.

"The finding of the District Court that a combination and conspiracy existed among the defendants is binding upon us in view of the testimony of the plaintiffs' witness, Chadwick, an independent producer, and Kuykendahl, the president of the largest organization of independent theatres.

"Chadwick testified as to the development and growth of the double featuring which led to the prohibition of the practice by the defendants in their California contracts in 1930. That resulted in a consent decree to the effect that the defendants had entered into a conspiracy violating the Sherman Act. Dissatisfaction with the injunction caused the industry in 1932 to agree voluntarily to discontinue double featuring. On May 1, 1934, at a meeting of exhibitors, producers and distributors in Los Angeles at which the defendants were represented, an executive of one of the defendants purported to speak on behalf of the defendants stated that a method had been devised to stop the exhibition of double features and that the distributors could take and had taken steps to remove the menace. He further stated to the meeting that the practice had been stopped in Chicago and if the theatres wanted features, they must use 'our features and not use double features.'

"Kuykendahl, a witness for the defendant, testified how he and the association which he represented repeatedly urged the defendants to stop double featuring and that they agreed to cooperate with his association to that end.

"The testimony as to the consent decree was not admitted as, or intended to be, prima facie evidence against the defendants in this case, but was simply admitted as a fact in showing the activity of the defendants to prevent double featuring and as such the testimony was admissible.

"The defendants argue that Chadwick's testimony concerning the statements made at the meeting in May, 1934, by the executive who purported to represent the defendants there present was inadmissible. Their contention is based on the rule that agency cannot be proved by the declarations of an agent. That is so, but the speaker was the president of the distributors' organization and he was introduced in the presence of the defendants to speak and did speak on their behalf. Furthermore, this is not a question of agency, but was simply a statement by one of the conspirators in the presence of other conspirators of what they had done and intended to do to stop double featuring.

"The defendants point to the fact that a number of their witnesses who were either officers or managing agents in the Philadelphia district of one or another of the defendants, testified to the effect that there was no conspiracy or concerted action between the defendants in reference to the double feature provisions of the contract. They further testified that, in every case, such provisions were the result of independent judgment.

(Continued on last page)



**"King of the Damned" with Conrad Veidt,  
Helen Vinson and Noah Beery**  
(Gaumont-British, Jan. 20; time, 76 min.)

This British made melodrama is good entertainment, suitable for American audiences, particularly men. It holds one in suspense throughout by the feeling that the prisoners, who were ill-treated, would revolt. There are scenes of heartless cruelty, of suffering, and of vicious fights between the prisoners, who were torn by jealousy. The scenes of revolt, which takes place during a proposed execution of one of the prisoners, (Noah Beery), has been handled expertly; it provides many thrills. Conrad Veidt, the leader of the prisoners, is a sympathetic character; he sacrifices his own freedom to help the cause of the men. The closing scenes, which show that Veidt is forced to surrender, are stirring. The romance between Veidt and Vinson, daughter of the former prison commander, is merely hinted at.

In the development of the plot Miss Vinson arrives at the prison island in time to see her father before he dies. She stays on as the guest of her fiancé, Cecil Ramage, the new commander, awaiting the arrival of friends who would take her back to England. Ramage is extremely cruel to the men, and Miss Vinson realizes how despicable he is. She becomes interested in Veidt, one of the prisoners, and occasionally has talks with him. This so angers Ramage that he orders Veidt to do road work in the jungle. The men are so ill-treated that they plan to revolt, but wait for orders from Veidt. Through a spying prisoner Ramage finds out about the proposed plans, arrests Beery as one of the leaders, and sentences him to be executed. Beery does not give Veidt away. Veidt receives a pardon from England, but, in order to help the men, asks to be permitted to remain on the island for a short while. All the prisoners are called out to watch the execution. This gives them their chance. They save Beery, take over the barracks, place Ramage and his officers under arrest, and run the prison and island in a workmanlike and decent fashion. They expected to continue in that fashion until the arrival of an English warship, at which time they could prove their desire to work under proper direction. But the arrival of an English war vessel, weeks before they had expected it, having come in response to a secret message sent out by Miss Vinson, changes their plans. They are forced to surrender. Miss Vinson, having regretted her action, pleads for the prisoners. The Captain places Ramage, against whom he had evidence of graft, and Veidt under arrest and takes them to England to plead their cause. He promises to give his support to Veidt and the men. Miss Vinson goes with them.

John Chancellor wrote the story, Sidney Gilliat and Charles Bennett the screen play, and Walter Forde directed it. In the cast are Edmund Willard, Percy Parsons, Peter Croft, and others.

It may be a little strong for children. Good for adults. *Class A* for adults, *Class B* for children.

**"Lady of Secrets" with Ruth Chatterton,  
Otto Kruger and Marian Marsh**  
(Columbia, Jan. 25; time, 72 min.)

A somewhat slow-moving drama of mother love, with an appeal mainly to women. Parts of it are unpleasant owing to the cruelty inflicted on Ruth Chatterton by Lionel Atwill, her domineering father. One feels deep sympathy for Miss Chatterton, who tries to help her daughter, Miss Marsh, without disclosing her relationship to her, since the girl believed her to be a sister. But this is not enough to hold one's attention, for the plot, which lacks color and excitement, is but mildly interesting. The closing scenes are fairly engrossing; there Miss Chatterton outwits Atwill, bringing happiness to Miss Marsh. Part of the story, referring to Miss Chatterton's love affair, is done in flashback:—

When Miss Chatterton, separated from Lloyd Nolan, her lover, by Atwill, her father, informs her father that she is going to have a baby, he makes a frantic effort to find Nolan but is unsuccessful. He takes his wife and daughter to France just as war is declared. Their home is turned into a hospital for the soldiers, where by chance Nolan is brought, wounded. Nolan dies, and Miss Chatterton is grief-stricken. Her baby is born and Atwill insists that, as far as the world is concerned, the child will be known as Miss Chatterton's sister. Miss Chatterton lives a secluded life. Her child grows up believing her to be her sister. The girl (Miss Marsh), falls in love with Robert Allen, a struggling young doctor; but they quarrel. She leaves for a trip and on her return meets Otto Kruger, a millionaire scientist, many years her senior. Their engagement is announced. Miss Chatterton, realizing that Miss Marsh loves Allen, opposes the marriage. Her father resents this because he

needed Kruger's millions. When she threatens to disclose her relationship to her daughter, he places her in their country home under detention, in the care of nurses, and forbids any one to see her. With the help of Kruger, who realized it was Miss Chatterton he really loved, she outwits her father and sees to it that Miss Marsh marries Allen. She then marries Kruger herself.

The plot was adapted from the novel by Katherine Brush. Joseph Anthony wrote the screen play, Marion Gering directed it, and B. P. Schulberg produced it. In the cast are Elizabeth Risdon, Mabel Colcord, and others.

Not for children, adolescents, or Sundays. *Class B*.

**"The Widow from Monte Carlo"**  
with Warren William and Dolores Del Rio  
(Warner Bros., Feb. 1; time, 59½ min.)

Just a pleasant program comedy. Although not particularly exciting, it offers an hour's diversion, probably to be forgotten immediately after one leaves the theatre. Whatever entertainment it offers is owed mostly to the antics of Warren Hymer, a good-natured crook, who tries his best to help Warren William out of difficulties. One is held in fair suspense when Louise Fazenda, in an effort to crash into society, steals from William's desk a letter that was sent to him by Dolores Del Rio, a Duchess, which, although innocent, could be misinterpreted. With this letter in her possession, she hoped to force Miss Del Rio to come to her parties; otherwise, she would disgrace her by showing it to her fiancé, Colin Clive. She leads Miss Del Rio to believe that William had sold it to her. The comedy is aroused by Hymer's and William's efforts to get the letter back. Their efforts to evade detectives and the ever-watchful eye of Miss Fazenda in accomplishing their mission are exciting. Miss Del Rio, who had found out the truth about the letter, comes to William's rescue when Miss Fazenda tries to press charges against him. She tells William that she loves him and that she had broken her engagement to Clive. The only connection between the action with the title is the fact that William meets Miss Del Rio at the Casino in Monte Carlo, where she had gone against the wishes of her relatives, who insisted that she seek no pleasures since she was still in mourning for her husband, dead for almost a year.

The plot was adapted from the play "A Present from Margate," by Ian Hay and A. E. W. Mason. F. Hugh Herbert, Charles Belden and George Bricker wrote the screen play, Arthur G. Collins directed it, and Bryan Foy produced it. In the cast are Herbert Mundin, Olin Howland, E. E. Clive, and others.

Suitable for all. Suitability, *Class A*.

**"Soak the Rich" with Walter Connolly**  
(Paramount, Jan. 17; time, 85 min.)

Just a moderately entertaining comedy. It lacks action, giving the spectator the feeling as if a stage play had been transplanted to the screen. Walter Connolly struggles to make something of his part, but his efforts are wasted. Ben Hecht and Charles MacArthur, the authors, directors, and producers of the picture, probably thought they were poking fun, in a sophisticated manner, at both millionaires and the so-called college radicals. But the laugh is on them, for what they have produced is a ridiculous hodge-podge of nonsensical situations, acted for the most part by somewhat incompetent players. A few of the situations are amusing:—

Connolly, a millionaire, is annoyed at many things—the government was proposing to levy another tax on millionaires; there was a radical movement afoot in the college he had sponsored, and his daughter was proposing to enroll in that college. She does go there, meets and falls in love with John Howard, the radical student leader, and helps him in his cause. Feeling that love-making has no place in a busy radical's life, he turns Miss Taylor out of his room when she suggests spending the night there. She is kidnapped by Lionel Stander, a maniac, who had visions of ruling the world. When rescued by her father, she tells him she is through with communism and wants to go home. But she cannot forget Howard. She knows that her father would not permit her to marry him unless she could think of a good reason for his doing so. So she leads him to believe that she had been intimate with Howard. Connolly invites Howard to his home and then threatens to kill him unless he marries his daughter. Howard is dazed but happy; he agrees to marry her. Connolly breaks up the radical movement in the college by inviting the radicals into his home and giving them champagne; they cheer him.

In the cast are Alice Duer Miller, George Watts, Ilka Chase, and others. Not for children or adolescents. Adult entertainment. *Class B*.



### "Muss 'Em Up" with Preston Foster and Margaret Callahan

(RKO, Feb. 14; time, 68½ min.)

A pretty good program mystery melodrama, with an appeal to men because of the rough action. The story is somewhat complicated, but since it moves fast it holds the spectator's attention fairly well throughout. There is some good comedy, aroused by the antics of Big Boy Williams, a detective's assistant, who believed in treating gangsters rough. Foster makes the part of the tough detective likeable and realistic; he awakens sympathy by his courage. The closing scenes, in which he solves the case and identifies the criminal, are thrilling by reason of the fact that the action is exciting and the solution is a complete surprise, for the criminal turns out to be the person least suspected. The romantic interest is pleasant:—

In response to a telegram, Foster, a private detective, arrives at the home of Alan Mowbray, an old client. Margaret Callahan, Mowbray's secretary, confesses that she had sent the telegram because she felt something was wrong. Mowbray informs Foster that, although he did not send for him, he should like to have his help; somebody had shot his dog and sent him a letter demanding \$200,000; otherwise he himself would be next to be killed. Foster follows several clues. In the meantime Florine McKinney, Mowbray's ward, is kidnapped. Mowbray, financially embarrassed, is compelled to use the trust fund belonging to his daughter, Molly Lamont, to pay off the kidnappers. But still Miss McKinney is not returned. Another request is sent for \$50,000 which John Carroll, Miss McKinney's fiancé, willingly offers. Foster takes the money to the criminals. Miss McKinney is then returned. Foster notices that Mowbray kisses his ward more as a lover than as a guardian. This causes a suspicion to arise in his mind, leading to the solution of the mystery. He proves that Mowbray and Miss McKinney were lovers, that they had staged the kidnapping to obtain the money (for Mowbray was broke,) and that they intended to elope. They are caught trying to escape. Carroll comforts Miss Lamont, who really loved him. Foster and Miss Callahan, who had helped him in his work, plan to marry.

The plot was adapted from the novel by James Edward Grant. Erwin Gelsey wrote the screen play, Charles Vidor directed it, and Pandro Berman produced it. In the cast are Ralph Borgan, Maxie Rosenblum, and others.

Because of the kidnapping plot it may prove unsuitable for children or adolescents. Good for adults. *Class B.*

### "The Lady Consents" with Ann Harding, Herbert Marshall and Margaret Lindsay

(RKO, Feb. 7; time, 76 min.)

Good! It is an interesting marital drama, with deep human appeal. Although the plot is of the familiar triangle variety, it is somewhat more significant than pictures of this type because of the unusual relationship between Ann Harding, the wife, and Edward Ellis, the father-in-law. He is so loveable a character that it pains one to see him suffer when Miss Harding, whom he loved devotedly, divorces his son, Herbert Marshall. The situation in which he attempts to establish cordial relations with Margaret Lindsay, his new daughter-in-law, only to find out that she wanted to be rid of him, is deeply pathetic. Miss Harding awakens sympathy by her kind treatment of Ellis and by the unhappiness the divorce causes her. Marshall's actions are unpleasant, but his eventual regeneration restores him to one's graces. Excellent comedy situations and amusing dialogue have been interpolated to relieve the tension.

In the development of the plot Miss Harding, when told by Marshall that he loves Miss Lindsay, agrees to give him a divorce. This brings unhappiness to Ellis, who had made his home with them, and who loved Miss Harding as his own daughter. Marshall marries Miss Lindsay only to realize in a short time that he had made a mistake. She plainly tells Ellis he is not wanted and he is compelled to leave. He goes to a camp out West. The accidental discharge of his gun sends a bullet through his heart. Marshall and Miss Harding rush to his bedside. Before death comes he gives them his blessings and prays that they may come together again. On her return, Miss Harding informs Walter Abel, her persistent suitor, that she can never marry him. Marshall calls to see her and the old love is revived. He asks Miss Lindsay for a divorce. This she refuses, on the ground that she has a luxurious home and does not intend to give it up. Miss Harding, realizing that the only way to get at Miss Lindsay is by lessening her income, notifies Marshall in Miss Lindsay's presence that she is going to sue him for back alimony and for possession of his home, the deed for

which was in her name. This angers Miss Lindsay and she decides to give Marshall a divorce so as to collect heavy alimony. Marshall and Miss Harding are happily reunited.

P. J. Wolfson wrote the story; he and Anthony Veiller wrote the screen play. Stephen Roberts directed the picture, and Edward Kaufman produced it. In the cast are Hobart Cavanaugh, Ilka Chase, and others.

Not for children or adolescents. Good for adults. *Class B.*

### "Freshman Love" with Frank McHugh and Patricia Ellis

(Warner Bros., Jan. 18; time, 67 min.)

Moderately entertaining program fare. The story is inane, and if it were not for a few musical interludes it would be boring for adults. Its appeal will be mainly to such young folk as enjoy college stories that deal with athletic activities. Instead of football, boat racing is the sport made use of; but it is not half as thrilling. The story moves at a fair pace, combining romance with comedy:—

Frank McHugh, boat racing coach, is unable to build up a good crew because the college president demands that the men have brains instead of just brawn. He conceives the idea of sending Patricia Ellis, the attractive daughter of the president, out to charm to their college some of the better known athletes. The scheme works and Patricia brings back Warren Hull and Walter Johnson. These become rivals in love. The crew becomes excellent, and the prospects for the big race seem bright. But Hull and Johnson find out why Miss Ellis had charmed them, and the day before the big race they leave college. A radio plea in which Miss Ellis confesses that she loves Hull and that unless he returns their team will lose proves effective. Hull, who had listened in, rushes back to the college just in time for the race. His team wins. Miss Ellis greets him joyfully.

The plot was adapted from a story idea by George Ade. George Bricker and Earl Felton wrote the screen play. William McGann directed it and Bryan Foy produced it. In the cast are Joe Cawthorn, George E. Stone, and others.

Suitable for all. *Class A.*

### "Dangerous Waters" with Jack Holt, Robert Armstrong and Grace Bradley

(Universal, Feb. 10; running time, 66 min.)

Poor! Most of the story revolves around the efforts of Holt's wife, Grace Bradley, to have Holt's pal, Robert Armstrong, become intimate with her. Her actions are distasteful; they are so brazenly suggestive that it embarrasses one to watch her. There is nothing inspiring in the story; when it is not concerned with Miss Bradley's actions, it deals with the nefarious acts of a group of thugs, showing their basest traits. The spectator is held in fair suspense in the closing scenes, where Holt brings the ship to port, outwitting the criminals, who had set out to sink the ship he commanded:—

When the Captain of the passenger ship of which Holt was first mate dies, Holt takes command. He reassures the passengers that the fire that was raging in the engine room was under control and, by forbidding them to leave the ship in lifeboats, prevents disaster. He knew that they could never reach land in the frail boats. He brings the ship and passengers to safety, and is commended for his bravery. One of the passengers whom Holt had been forced to knock out when he refused to follow his orders, uses his influence to keep Holt from getting a promotion as a Captain. Holt accepts the captaincy of a freighter, not knowing that the owners had arranged with some members of the crew to sink the ship so that they might collect the insurance. He takes Miss Bradley (his wife) with him. She makes every effort to have Armstrong, Holt's first mate, become intimate with her and brings him to the point where he kisses her. Holt sees this and Miss Bradley, in order to clear herself, accuses Armstrong of having forced her to kiss him. Holt believes her and knocks him out. One night, she, while under the influence of liquor, reveals her true character to Holt, shocking him. Holt then realizes how unjust he had been toward Armstrong. Holt and Armstrong prevent the hired thugs from sinking the ship. When they arrive in Valparaiso Miss Bradley leaves Holt, suggesting that he divorce her. Holt is thrilled when he is given command of a new passenger ship. He is even happier when he learns that Diana Gibson, an old friend, loves him.

Theodore Reeves wrote the story; Richard Schayer, Hazel Jamieson, and Malcolm Stuart Boylan the screen play, and Lambert Hillver directed it. In the cast are Charlie Murray, Willard Robertson, and others.

Unsuitable for children, adolescents, or Sundays. For adults only. *Class B.*



"As we have stated heretofore, we cannot retry this case for the defendants. The authorities they cite are inapplicable here, *Ariasi v. Orient Insurance Company*, 50 Fed. (2d) 548 (C.C.A.9); *Arnall Mills v. Smallwood*, 68 Fed. (2d) 57 (C.C.A.5); *Pennsylvania Railroad Company v. Chamberlain*, 288 U.S. 333. The District Court did not arbitrarily reject the defendants' testimony. It chose rather to accept as probable the plaintiffs' case which was built on a background of direct and circumstantial evidence. That is the right of the trial court. . . ."

" . . . Business necessity forces the exhibitors to buy from the defendants. It is true that they need not deal with the defendants, if they do not wish to do so, but if they do not do so, they would be driven out of business. The effects of the double feature clauses naturally result in strengthening the position of the defendants and weakening that of independent competitor."

"The defendants contend that the double feature provisions were adopted for the best interests of the industry, their customers and the public and that the effects and motives of the defendants are important in determining whether or not there is an undue restraint of trade. For this, they rely upon the case of *Appalachian Coals*, supra."

"In that case, the Supreme Court carefully considered evidence relating to the economic conditions existing in the bituminous coal industry to determine whether or not an agreement among coal producers to eliminate competitive and destructive practices was illegal. The Court concluded that under the facts of that case, there was no undue restraint of competition and commerce and no violation of the Sherman Act. The court said that 'the question under the Act is not simply whether the parties have restrained competition between themselves but as to the nature and effect of that restraint.'"

"But the Court was emphatic in stating that good motives or intentions or benefits to the industry must give way to the law and if there is an undue restraint of commerce and impairment of fair competitive opportunities, the statute must be applied. . . ."

In another part of the decision the Court said:

"The evidence of the conditions in the industry leads to the conclusion that the inclusion of those provisions in the contracts between the defendants and independent exhibitors seriously affects the exhibitors and the smaller producers. This tends to reduce production and stifle competition. Whether or not the defendants intended to suppress competition, we do not need to know; the fact is that their contracts operated to that effect."

The producer referred to in the Circuit Court's decision as the one who, speaking on behalf of the defendants, stated that the producers he represented had devised a means by which they would stop the exhibition of double features, which they considered a menace, is Louis B. Mayer, and he made his statement before the members of Motion Picture Theatre Owners of America, while they were holding their annual convention in Los Angeles two years ago. His declaration was partly as follows (taken from the printed record of this case):

"The use of double features is a great menace. Many of you exhibitors may say you must have double features, but the answer is that you are not going to get them and you are not going to have them. The use of double features must be stopped and will be stopped. It is no secret that ways and means have been worked out by the distributors in New York to wipe out this menace and stop the double feature practice. I am with them one hundred per cent. . . ."

"I am with them in that move one hundred per cent, and I am going the whole ronte, even if I have to defy the President and the Supreme Court of the United States. I am going over the entire country and I am going to raise hell. . . ."

"As you will see from the telegram from Mr. Miller, which the chairman will read, good pictures cannot be made in six or eight days, and the independents making pictures in that time should be ousted from the business. . . ."

"You must take your choice. If you want the major pictures, you must play them and not have double features, and if you think the independents can support you, go ahead to the independents, but if you want ours, you must play our pictures and not use them in double features. . . ."

Fortunately for the exhibitors and unfortunately for Mr. Mayer, the Circuit Court in Philadelphia was not intimidated by such threats and handed down its decision guided only by the facts in the case.

The defendants have appealed to the United States Su-

preme Court for a writ of *cateriorari*. A petition for the review of the case was filed by them with the highest court of the land shortly after the Circuit Court of Appeals in Philadelphia handed down its opinion upholding the lower court. The defense counsel has, in the meantime, obtained a thirty-day stay of the mandate, preventing immediate application of the Court's decision until the Supreme Court either reviews the decision or allows it to stand.

As far as the question whether the establishing, through the courts, of the right to double feature is or is not injurious to the interests of the motion picture industry as a whole is not the point at issue; the question is whether or not five or six persons, by either tacit or open agreement, shall, in defiance of the Federal statutes, prohibit American citizens from carrying on their business as freemen! That is the exact question! And in this, no fair-minded person can disagree.

## MOTION PICTURES NOT AN ART BUT A BUSINESS

The following are excerpts from a speech delivered by Mr. Howard S. Cullman, Receiver of the Roxy Theatre, New York City, at the School of Education, New York University, on January 9, this year:

" . . . to the average American, thinking is the direct antithesis of entertainment. That which is difficult to grasp is, by its very nature, not amusing. The film, therefore, . . . must be readily understood by the lowest as well as the highest intelligence in the audience."

" . . . mass entertainment . . . must cause emotional excitement of some kind. This is most readily attained through stimulation of the primary passions such as love, fear, hate and pity. . . ."

"As a business, the motion picture industry has, to a very large extent, learned its lesson. It has discovered that good merchandise must be built of sound ingredients; that expert acting, camera work and direction, without an adequate story, will produce feeble results; it has accepted the fact that production, distribution and exhibition can and must be carried on in a fundamental business-like fashion. All this cannot be accomplished when one is one jump ahead of the sheriff; but, as the fog of reorganization clears, some such end does appear in view."

"The prospect is encouraging to those of us who are interested in an adequate supply of saleable popular entertainment. For those who cherish hopes of a cinematic art acceptable to esthetes and intellectuals the situation appears less promising. They can expect to find on the screen a progressively improved brand of amusement, utilizing each year the talents of an increasing number of gifted individuals. They will find plenty of hearty laughs and abundance of breath-taking thrills; but for their moments of true mental and spiritual stimulation I fear they will have to hie themselves to the concert halls, theatres and museums, wherein flourish the true arts."

## MOTION PICTURES AND LIQUOR

Under the heading, "Motion Pictures, Liquor and Block-Booking," the January 22 issue of *The Christian Century* contained the following editorial:

"What happened recently at the Picadilly and Shakespeare motion picture theatres in Chicago exemplifies the ability of public opinion to correct a mistaken motion picture policy whenever the power to change the policy is in the hands of the local exhibitors. The January 1 issue of *The Christian Century* spoke editorially of the tie-up the manager of those theatres had made with the liquor industry. He offered a small bottle of Three Star Hennessy with an admission ticket at the Shakespeare, and a bottle of wine on certain days with every forty cent admission ticket at the Picadilly. Promptly the local council of churches protested both to the theatre manager and to the mayor. Another protest was lodged with the Illinois liquor commission. The Hyde Park Herald gave full publicity to these protests. As a result the manager canceled his offer of liquor and offered an apology to the churches, promising that there would be no repetition of such a liaison with the liquor traffic. The important thing is that in this matter the exhibitor's hands were not tied by the motion picture industry as a whole. He was free to respond to local community pressure. It is just that freedom which friends of better motion pictures seek in their efforts to abolish the block-booking system, which compels exhibitors to buy and show pictures that are objected to by the better elements of the exhibitor's own community as against the public interest. Remember this when you receive the disingenuous defense of block-booking that the Hays office is now sending out in pamphlet form in an effort to defeat the pending Pettengill bill."

Fortunately for the exhibitors and unfortunately for Mr. Mayer, the Circuit Court in Philadelphia was not intimidated by such threats and handed down its decision guided only by the facts in the case.

The defendants have appealed to the United States Supreme Court for a writ of *cateriorari*. A petition for the review of the case was filed by them with the highest court of the land shortly after the Circuit Court of Appeals in Philadelphia handed down its opinion upholding the lower court. The defense counsel has, in the meantime, obtained a thirty-day stay of the mandate, preventing immediate application of the Court's decision until the Supreme Court either reviews the decision or allows it to stand.



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### When a Producer Raises Your "Average" Unfairly

Under the heading, "A Wise Contract Provision," printed in the January 18 issue of this paper, the suggestion was made to you, when contracting for pictures, to insert into your contracts a provision stipulating the "average" for each picture, so that when the producer fails to deliver all the low-classification pictures, your average may not come higher than you originally computed.

Though a provision of this kind has its advantages, it has also its disadvantages, for it gives an opportunity to the producer purposely to eliminate pictures from the high brackets. In such a case, the exhibitor would be paying the stipulated average for all low allocation pictures when some of the pictures of the highest allocations are dropped.

Let us accuse that an exhibitor bought from one distributor 50 pictures for \$5,000, classed as follows: 8 in the A class; 12 in the B class, and 30 in the C class. Let us assume also that he has put into his contract a provision stipulating that \$100 is the "average" for each picture. Let us further assume that the price he had in mind for each class was, \$250 for the A; \$150 for the B, and \$40 for the C class.

But let us suppose that the distributor dropped from his production schedule 2 of the A class, and 2 of the B class. What would be the result? The exhibitor would be paying \$100 for each picture even though the average for each picture, on the 46 pictures that would be delivered, would be \$91.30.

Even if the producer were willing to adjust the average, justice would not be done to the exhibitor thereby, for the reason that the eliminated pictures, when the box office values of the different classes of pictures were to be compared, would lessen the box office worth of the entire program. The exhibitor makes his money out of Class A and some B pictures; few pictures of the C class make him money. These are the "quickies," put out by each producer at very low cost, just to keep the average cost of the big pictures down.

In the opinion of this paper, allowing the producer to allocate the pictures would not prove detrimental to the exhibitor's interests provided the contract contained a provision obligating the producer to refund to the exhibitor 2% of the combined rentals of the pictures in the two highest brackets for every low allocation picture the producer fails to deliver. With a provision such as this, the hypothetical example that was given in the foregoing paragraph would produce the following results:

Class A: 8 pictures, at \$250 each.....	\$2,000
Class B: 12 pictures, at \$150 each.....	1,800
Total .....	\$3,800

Assuming that the producer dropped from his production schedule five pictures from the C (\$40) class, then the exhibitor would be entitled to 10% of the \$3,800, or \$380. Deducting this amount from \$3,800, there is left \$3,420. Adding this to the amount of that of the 25 C pictures, which is \$1,000, the amount of money this exhibitor will be required to pay for the 45 pictures delivered will be \$4,420, or an average of \$98.22, which is slightly lower than the "average" originally figured out, the saving compensating the exhibitor for his trouble in finding five other pictures to book.

A provision such as suggested in the foregoing paragraph is no more than fair, for without it the average of the exhibitor would be as follows:

Class A: 8 pictures, at \$250 each.....	\$2,000
Class B: 12 pictures, at \$150 each.....	1,800
Class C: 25 pictures, at \$40 each.....	1,000
Total .....	\$4,800

Dividing \$4,800 by 45, the number of pictures delivered, the "average" becomes \$106.66.

The fairness of such a provision lies in the fact that the distributor is not wronged when he delivers all the pictures, no matter how he allocates the total price agreed upon, but the exhibitor's interests are safeguarded against the producer's allocating excessively high prices for the pictures of the top brackets. With such a provision in the contract, the exhibitor might not object to how the producer allocates the prices. For that matter, he, the producer might put nine-tenths of the total money on the eight pictures of the A class, if he should so desire. The reason for it is the fact that, the more low-allocation pictures the producer drops from his production schedule, the greater will be the refund to the exhibitor. On the other hand, the incentive for the producer to put on the low allocation pictures higher prices than these pictures deserve, even if he had in mind to drop some of the high bracket pictures, will not exist, because he needs the A pictures, for his theatres, if he operates theatres, or for the theatres of the theatre-operating producers. Besides, a company's reputation depends chiefly on the number of A pictures it produces, and it would not do for it to drop the production of many of this type of pictures just to gain a temporary advantage.

Of course, the effectiveness of even such a provision may be nullified by an unfair producer: he may decide not to produce a number of the low allocation pictures but may lead you to believe that he will produce them, and then apparently postpone their release from month to month until he tires you out; and since the money you will be entitled to as a refund will have been in his possession, you will

(Continued on last page)



### "Rose Marie" with Jeanette MacDonald and Nelson Eddy

(MGM, January 31; time, 111 min.)

An outstanding production, for the masses as well as the cultured picture-goers. The main feature is the music, as sung by Jeanette MacDonald and Nelson Eddy, particularly in the outdoor scenes, when they sing the familiar but beautiful "Indian Love Call." All the music is good; it is of the type that suits even discriminating audiences. In addition to the popular songs, Miss MacDonald and Allan Jones sing, on two different occasions, excerpts from the operas "Romeo and Juliet" and "La Tosca." The romance between Miss MacDonald and Eddy is extremely appealing. Although the plot lacks fast action, one's attention is held to the end because of deep human interest and the appealing music. The scenic background is beautiful; it is a perfect setting for the music. There are some good comedy touches:

Miss MacDonald, a noted opera singer, receives a visit from George Regas, a half-breed guide, and is told that her brother (James Stewart) had escaped from prison and was hiding in the Canadian woods. She is shocked when she learns that Stewart had killed an officer of the Mounted Police, who had been sent in search of him. She asks her manager (Reginald Owen) to cancel all her engagements, takes whatever money he has, and leaves with Regas to go to her brother to help him get out of the country. When they reach a northern trading post, Regas steals her money and leaves her stranded. She is befriended by Eddy, a sergeant of the Mounted Police, who was in search of her brother. He takes her to an Indian celebration, where she finds Regas, whom she compels to return her money, and to continue the journey with her. Eddy finds out by chance that she is Stewart's sister and follows her on her trip with Regas, whom she compels to return her money, and to her stranded in the woods. She knows that he is in search of her brother, but she cannot resist his charm and falls deeply in love with him as he does with her. They part, and she continues on to the hideout, not realizing that Eddy was close by. He arrives at the hideout shortly after she does, and arrests the brother. He refuses to listen to her pleas to release Stewart. She goes back to fulfill her operatic engagements. During a performance of "La Tosca" she is haunted by the strains of the love song he had taught her, and collapses. Eventually Owen brings the lovers together.

The plot was adapted from the stage play by Otto A. Harbach and Oscar Hammerstein, II. Frances Goodrich, Albert Hackett, and Alice Duer Miller wrote the screen play. W. S. Van Dyke directed it and Hunt Stromberg produced it. In the cast are Alan Mowbray, Gilda Gray, Robert Creig, Una O'Connor, and others.

Suitable for all. *Class A.*

### "Professional Soldier" with Victor McLaglen and Freddie Bartholomew

(20th Century-Fox, January 24; time, 78 min.)

A mixture of adventure, comedy, and romance; it should go over strong with young people. It is a mythical kingdom story, with much human interest. Freddie Bartholomew, as the king, is excellent, and gives fine shading to a role which requires him to be both regal and boyish. Some of the scenes in which Victor McLaglen treats him as he would any normal boy are touching, some laugh-provoking. McLaglen, too, gives an outstanding performance. One is held in fair suspense throughout because of the court intrigue, and of the efforts of C. Henry Gordon to assassinate Freddie. The closing scenes, although a bit far-fetched, are thrilling and comical, for in them McLaglen single-handed fights a whole army and comes out the victor. There is a romance, but it is incidental:—

McLaglen, a professional soldier, tired of his job of acting as bodyguard to Michael Whalen, a millionaire wastrel, accepts the offer of a group of revolutionists to kidnap their king and hold him a prisoner until they overthrow the cabinet and put themselves in control, after which McLaglen is to return the king to the palace. McLaglen takes Whalen along as his aide. When he finds that the king is just a boy he refuses to go through with the bargain. Freddie, mistaking him for a notorious Chicago gangster, is thrilled, and insists that unless he take him away he will turn him over to his guards. McLaglen brings him to the hiding place and while there he becomes great friends with him, teaching him American sports and slang. Freddie becomes attached to him. Freddie's governess, Gloria Stuart, who had gone with them, falls in love with Whalen, the bodyguard. But she feels that Freddie would be better off with the Royalists; and so she sends word to them. They arrive and take Freddie, planning to murder him and then

blame the Revolutionists. They knew that this would anger the people, who loved the king. Miss Stuart, realizing that she had been double-crossed, warns McLaglen, and helps him escape from prison. McLaglen steals a machine gun and single-handed fights the whole army of Royalists, saving the king. Freddie is thrilled by McLaglen's heroism and after returning to the palace begs him to stay with him. But McLaglen feels that he would be out of place there and leaves. Whalen stays to marry Miss Stuart.

Damon Runyon wrote the story, Gene Fowler and Howard Ellis Smith the screen play. Tay Garnett directed it, and Darryl F. Zanuck produced it. In the cast are Constance Collier, Pedro de Cordoba, and others.

Good for all. *Class A.*

### "The Milky Way" with Harold Lloyd

(Paramount, February 7; time, 87½ min.)

An excellent comedy. It is fast-moving and comical, with hardly a dull moment. The story fits Harold Lloyd to perfection, for his characteristic naive manner is a perfect foil for Adolphe Menjou's attempts at trickery. The wisecracking dialogue, particularly Verree Teasdale's lines, is an additional source of comedy. Most of the laughs are provoked by Lloyd's believing that he is a great fighter; he does not realize that all the bouts had been framed in advance by Menjou. There are so many comical situations that it is difficult to pick out any one as outstanding. An extremely comical one is in the closing scenes, where Lloyd meets William Gargan, the champion, and, through no fault of his own, knocks him out; Gargan's stupid sparring partner, Lionel Stander, had given Gargan a sleeping potion when he should have given him some medicine. Equally comical is the situation in which Lloyd teaches Marjorie Gateson, an aristocratic society matron, the tricks of "ducking" in a fight; also the situation in which Miss Teasdale trains Lloyd to fight by setting the tempo to the strains of waltz music. The romance is pleasant, but incidental.

The plot was adapted from the play by Lynn Root and Harry Clork. Grover Jones, Frank Butler and Richard Connell wrote the screen play. Leo McCarey directed it, and Harold Sheldon produced it. In the cast are Charles Lane, Larry McGrath, and others.

Suitable for all. *Class A.*

### "Man Hunt" with Ricardo Cortez, William Gargan and Marguerite Churchill

(Warner Bros., February 15; time, 60 min.)

A fair program comedy-melodrama. It is suitable fare for the entire family because it stresses the comedy angle more than the melodrama. Most of the laughs are provoked by the antics of Chic Sales, an elderly country character, formerly a Sheriff, who is bent upon capturing Ricardo Cortez, a notorious escaped bandit, but who is hampered in his work by Maude Eburne, his nagging daughter-in-law, who hides his guns. The action is fast, particularly in the closing scenes, where Sales' quick thinking and acting helps Addison Richards, the G-Man, to capture Cortez. These scenes provide some thrills. A pleasant romance between Gargan and Miss Churchill is interwoven in the plot:—

Gargan, a reporter for a small town newspaper, receives word that Cortez had escaped from prison and was hiding somewhere in his vicinity. Miss Churchill, Gargan's sweetheart, is surprised to find Cortez hiding in the school house, and is compelled to drive him to an abandoned hut at a mine where she had frequently gone to do some writing. She warns Gargan of his presence there but pleads with him not to tell the police, for fear lest Cortez kill some one. Gargan, however, rushes to the Sheriff with the news. Warned by Miss Churchill, Cortez escapes. Gargan follows her back to the mine at a later hour, where he finds her with Cortez, who had returned with two pals. He overhears him threatening to rob the town bank at 10 o'clock the following morning. In order to prevent this Gargan spreads a rumor that the bank is failing and every one rushes there to withdraw his money. When Cortez arrives there is no money. He rushes into his car but Sales shoots at it, blowing out the tires. Richards is thus able to corner the criminals. Gargan, who had the story ready for publication awaiting Cortez's arrest, flashes the news to the Associated Press. He receives many flattering offers from newspapers in big cities, but he decides to remain in the small town and marry Miss Churchill.

Earl Felton wrote the story, Roy Chanslor the screen play, William Clemens directed it, and Bryan Foy produced it. In the cast are George E. Stone, and others.

Suitable for all. *Class A.*



**"Dancing Feet" with Joan Marsh,  
Ben Lyon and Edward Nugent**

(*Republic, January 31; time, 71 min.*)

Pleasant program entertainment, suitable particularly for young folk. Its lack in story novelty is made up for by the peppy dancing, popular jazz music, and comical situations and dialogue. It is a little slow in getting started, but is developed as it goes along, ending in a flashy manner, with some pretty good dance routines. The characters are pleasant, and Edward Nugent (hero) and Joan Marsh (heroine) awaken sympathy by their efforts to advance as dancers. Although it is not an outstanding production, it is the type of picture that should satisfy the masses fairly well:—

Miss Marsh, granddaughter of Purnell Pratt, an excitable millionaire, leaves home when he forbids her to see Ben Lyon, a millionaire playboy, and insists that she lead a sedate life. She goes to Lyon and asks him to marry her but he refuses, suggesting that they wait until he comes into his inheritance. She registers at an expensive hotel, where she meets Nugent, a bell-hop, with whom she had become acquainted in a dance hall. The manager telephones to Pratt asking him about Miss Marsh, and Pratt, in order to punish her, denies their relationship. Nugent overhears the conversation and induces her to leave before the manager would cause trouble. He refuses to believe that she is a society girl. She goes to the dance hall to see Isabel Jewell, one of the hostesses, whom she had met once. Miss Jewell induces the manager to engage Miss Marsh, and then invites her to live with her. Nugent calls to see her and tells her he was discharged. They plan to do a novelty dancing act over the radio, but meet with many disappointments because of Pratt's interference. In time they win him over and prove they are capable. He gives them his blessings for their marriage.

Rob Eden wrote the story, Wellyn Totman and Oliver Cooper the screen play, Joseph Santley directed it and Colbert Clark produced it. In the cast are Nick Condas, Vince Barnett, Herbert Rawlinson, and others.

Suitable for all. *Class A.*

**"Tough Guy" with Jackie Cooper  
and Joseph Calleia**

(*MGM, January 24; time, 75 min.*)

A fast-moving and at times thrilling program melodrama, with an appeal mostly to male audiences and to youngsters. There are no women in the cast; therefore it lacks romance. But it has human interest, awakened by the friendship between Jackie Cooper, a runaway, and Joseph Calleia, a desperate criminal. The scenes in the forest where Calleia becomes regenerated because of his attachment to Jackie are touching. The real hero is, however, Rin-Tin-Tin, Jr., a dog of rare intelligence, who acts as a bodyguard for Jackie and is instrumental in rounding up the gang that tries to kill Jackie; dog lovers will be thrilled by the remarkable talents displayed by this dog. The story is pretty far-fetched, but the action is fast and it holds one's attention fairly well throughout. The closing scenes are the most exciting.

In the development of the plot, Jackie, who was unhappy at home, runs away with his dog. He hides in a truck driven by Calleia and is witness to a holdup perpetrated by Calleia and his gang. They later find him in the truck and plan to kill him. Calleia accidentally shoots the dog and is so moved by Jackie's pleas to do something for Rin that he takes the dog to a veterinarian, who extracts the bullet. When he discovers that the police are on his trail, he escapes with Jackie and they live in a hideout in the forest. They become deeply attached to each other. When Calleia's gang learn that Jackie is the son of a rich man, who had offered \$50,000 reward for his return, they follow Calleia to the hideout, and kidnap Jackie, planning to collect the ransom and then kill him. Calleia is captured by the police; he pleads with them to give him a chance to get Jackie. They permit him to escape. With the help of Rin he finds the gang's hideout and in a thrilling battle rescues Jackie. Edward Pawley, the leader, shoots Calleia just as the police close in. The gang is captured. Calleia dies in Jackie's arms, after pleading with him not to cry.

Florence Ryerson and Edgar Allan Woolf wrote the original screen play. Chester M. Franklin directed it, and Harry Rapf produced it. In the cast are Mischa Auer, Robert Warwick, Harvey Stephens, Jean Hersholt, and others.

Although this is a picture primarily for children, exhibitors will have to use their own judgment about showing it to them because a gangster is glorified. Suitable for adults. *Class B.*

**"Next Time We Love" with Margaret Sul-  
lavan, James Stewart and Ray Milland**

(*Universal, January 27; time, 85½ min.*)

A pretty good romantic drama, with an appeal to women. Miss Sullavan, Stewart, and Milland give fine performances, making their respective characters real and likeable. The story lacks action, but this is made up for by its human quality. One feels so much sympathy for the three characters that one becomes interested in their problems. There are a few situations that stir the emotions deeply. The situation in which Miss Sullavan and Stewart meet again after a prolonged absence is one of such situations. The actions of Miss Sullavan and of the others seem inconsistent at times, but this will, no doubt, be overlooked, for the reason that the sincerity of their performances makes one feel as if their actions are logical:—

Miss Sullavan leaves college to marry Stewart, a struggling newspaper reporter. Milland, his best friend, helps them out by introducing Miss Sullavan to a theatrical manager, who engages her for his new play. She makes good progress. When Stewart is offered the job of foreign correspondent to Russia, she refuses to go along with him, feeling that she might be in his way. After he leaves she confesses to Milland that she is going to have a baby. Her landlady writes to Stewart when the baby is born. He deserts his post and rushes back home; he promises Miss Sullavan never to leave her again. The editor discharges him. He is forced to do cub reporting for a news service bureau for which he is poorly paid. Milland again comes to their rescue by getting Miss Sullavan a theatrical engagement. Knowing that Stewart was unhappy, Miss Sullavan goes to see his former editor and pleads with him to reinstate Stewart; she is even willing to let him take a foreign assignment again. He is forced to leave immediately for Europe. She becomes a famous actress and is able to live luxuriously. She sees her husband infrequently and learns to do without him; but she never stops loving him. Milland confesses his love for her and begs her to divorce Stewart and marry him. She leaves for Europe to talk the matter over with Stewart; they plan a pleasant vacation together. But he leaves suddenly. She rushes after him and joins him on the train. She senses that he is quite ill and he admits that he is dying from a disease that he had contracted in China. Miss Sullavan tells him, in between sobs, that she will stay with him to the end.

The plot was adapted from the story by Ursula Parrott. Melville Baker wrote the screen play. Edward H. Griffiths directed it and Paul Kohner produced it. In the cast are Grant Mitchell, Robert McWade, and others.

Suitable for all. *Class A.*

**"For Love of You" with Franco Foresta**

(*Celebrity Pictures; running time, 59 min.*)

A fairly good musical comedy. The arias from the operas "Othello," "The Pearl Fisher," "Pagliacci," and "The Tales of Hoffman," sung by Franco Foresta and a chorus of two hundred and fifty, should be enjoyed by all music lovers. The comedy provoked by Arthur Riscoe and Naughton Wayne is good. Their attempts to show Diana Napier, Foresta's wife, a good time and at the same time avoid any trouble with Foresta are amusing. The carnival atmosphere and the lavish sets on the Venetian waterways, where most of the action takes place, make scenes of beauty, gayety, and laughter. The photography and direction are handled capably:—

Riscoe and Wayne, on a vacation in Venice, are awakened one morning by a quarrel between Diana Napier and her jealous husband, Foresta, a well-known tenor. In order to cheer up Miss Napier, Riscoe takes her swimming at the Lido. Foresta, through an accident, finds this out and threatens to kill Riscoe. His wife, angered at his jealousy, plans to teach him a lesson. She therefore promises Riscoe that she will attend the carnival with him that afternoon. Fearing Foresta, and wishing to avoid trouble, he does not meet her; masked as Neptune, he is having a grand time when Foresta finds and unmasks him as well as the girl he is with. To his amazement and sorrow it is Miss Napier whom he had thought safely at home. Foresta wants to kill Riscoe but is prevented by the crowd who had gathered around him. Finally Riscoe is able to straighten things out, bringing about a reconciliation between Foresta and his wife.

Selwyn Jepson wrote the story and the screen play, and Carmine Gallone directed it. In the cast are Pearl Osgood and others.

Suitable for all. Suitability *Class A.*



have a hard time getting it back. But it is much more preferable that you have a claim on the producer, even though unsatisfied, than to have no claim at all: The moral effect of such a situation cannot help working to your advantage; it will put you in a better bargaining position when you decide to buy his new season's product.

Study these suggestions and let me have your opinion on them. I desire to have your suggestions particularly in cases where the exhibitor buys his A and B class pictures on a minimum guarantee and percentage, instead of flat rentals.

### AND/OR

Under the foregoing heading, "The Exhibitor," a Jay Emanuel publication, printed the following article in the January 15 issue:

"When Wisconsin Judge Chester Almeron Fowler, in an insurance case, recently rendered a decision regarding the famed 'and/or' wording, he said something that should also prove interesting to exhibitors who have had to undergo the tortures of reading the 6-point type that appears on current film contracts.

"Said the judge:

" 'It is manifest that we are confronted with the task of first construing "and/or," that befuddling, nameless thing, that Janus-faced verbal monstrosity, neither word nor phrase, the child of a brain of someone too lazy or too dull to express his precise meaning, or too dull to know what he did mean, now commonly used by lawyers in drafting legal documents, through carelessness or ignorance or as a cunning device to conceal rather than express meaning with view to furthering the interest of their clients. We have ever observed the "thing" in statutes, in the opinions of courts, and in statements in briefs of counsel, some learned and some not.' "

"Ruling flatly against the insurance company, he declared:

" 'If the construction given (by the court) differs from the meaning actually entertained and intended to be conveyed by the company when it issued its policy, the company has only itself . . . to blame, and it is justly penalized for attempting to express—or perhaps to conceal—the meaning intended by the use of a mere mark on paper.' "

"Exhibitors who run up against the same thing might remember all this."

The "and/or" phrase is not the only thing wrong with picture contracts: Last summer I got stuck on the meaning of a particular clause in the Paramount contract and when I called up George Schaefer on the telephone to have him explain it he did not know and had to ask the company's lawyer for an explanation.

The contract now in use could be cut in half if the lawyers who have drafted it could say what they mean in straightforward language.

But then there would be no work for them to do.

### THE QUESTION OF THE HAYS SEAL ON MOVING PICTURES

Beginning February 1, the List of Classified pictures will no longer be prepared by the Chicago Legion of Decency; the work has been undertaken by the New York Diocese of the Catholic Church, and will be published by the New York Legion of Decency, with the Motion Picture Bureau of the

International Federation of Catholic Alumnae co-operating.

The List will classify the pictures in three columns, just as did the Chicago List, as follows:

Column 1 — A: Unobjectionable — for general patronage.

Column 2 — B: Unobjectionable for adults.

Column 3 — C: Condemned.

Since the Catholic Hierarchy is continuing the classification of moving pictures as to their moral fitness, HARRISON'S REPORTS demands, on behalf of the independent theatre owners, that Mr. Hays cease to attach the seal of his production code administrator on the title of each film, for the attaching of such seal serves no other purpose than to strengthen the monopoly the major moving picture producers, whom he represents, have set up. This paper has in its files letters written to independent distributors of motion pictures stating that the circuits refuse to book any independent picture that lacks the seal of the production code administrator. There is no reason why Mr. Hays should be allowed to carry on this practice, which smacks monopoly, when the Catholic Hierarchy, by its action of continuing the moral classification of pictures, indicates that it is not satisfied to take the Hays seal as the criterion whether a picture is moral or immoral.

The continuation of the seal system is in line with the views Mr. Hays has held for years: At a conference of New York exhibitors with Mr. Hays and subordinates of his, held in the Spring of 1924, the subject of which conference was to convince the exhibitors that the Hays sponsored Davison censorship bill, introduced in the state of New York, was good for the exhibitors, when the representatives of the exhibitors protested against one of its clauses, which provided for the padlocking of the theatre of any exhibitor who would show an immoral film, Mr. Hays, was advised by one of his subordinates, in the presence of all the conferees, to proceed with the bill with or without the support of the independent exhibitors. This subordinate's idea, expressed to the exhibitors, was to the effect that, by this bill, the major producers would form a ring around the industry to shut out the independents. The present seal seems to represent just such sentiments.

Unless Mr. Hays counsels the theatre owning producers to cease discriminating against the pictures that are produced by independents, then the independents may be compelled to demand official Federal censorship.

No one can blame the producer-controlled theatres for rejecting an independent film on grounds of lack of merit, but when they reject it on the ground that it hasn't the Hays seal, then it is time that we uttered a protest in such a loud voice that Congress will not fail to hear us.

If the producers want to continue the system of having a supervisor to pass upon the moral fitness of the pictures they produce, that is their business, but for them to take the attitude that the independent producers must submit their films to their own censorship board before the producer-controlled theatres be allowed to book them, the matter differs, particularly when one remembers that the attaching of the Hays seal on a film has not prevented the Legion of Decency from declaring a picture low, vulgar, or immoral—unsuitable to be shown to decent people.



# HARRISON'S REPORTS

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## WHY THE HAYS SEAL TODAY?

When the Hays Association in 1934 conceived the idea of placing its seal on motion pictures produced by its members, Mr. Hays wrote to Archbishop John T. McNicholas, Chairman of the Bishops' Committee on moving pictures, setting forth in most encouraging terms the great good the major producers hoped to accomplish. The purpose of the emblem, wrote Mr. Hays, was "more effectively to influence the character of motion pictures produced by members of our association"; and "it is our hope that the confusion now arising from black and white lists may be avoided."

So that the public might derive the benefits from the purity seal, Mr. Hays stated:

"Your Excellency is informed that the organized industry has arranged to place an emblem and declaration of its approval upon each motion picture released subsequent to July 15, indicating that it conforms with and has been passed by the industry's revised plan of self-regulation. The industry is arranging to give wide publicity to the use of this emblem in its various announcements. It is proposed that company advertisements will, through the use of this emblem, identify motion pictures which have been approved. Local exhibitors will be encouraged further to afford this guidance to the public."

Immediately, affiliated circuits gave orders to theatre managers not to show a picture unless it carried the Hays emblem. Independent producers were thus obliged to submit their pictures to the Hays production code authority for inspection and approval—and to pay a charge for the service. They were not compelled to do so. But if they did not submit them, they would lose a large source of revenue from the affiliated circuits.

When the Hays association in this way gained "control" over independent product, it discovered that there was no longer any need for "wide publicity to the use of this emblem" or for "the use of this emblem" in "company advertisements" or for encouragement to local exhibitors "to afford this guidance to the public." The greatly ballyhooed seal, or "emblem," as Mr. Hays prefers to call it, was removed from the prominent place it had occupied on the film, and was placed on the introductory title, with its size reduced to such an extent that, to see what it looks like, one would have to use a pair of powerful binoculars.

True, the moral tone of the pictures produced during the past year has been raised, but the motivating cause is traceable not to the Hays "emblem," but to the pressure that was unceasingly brought to bear upon the producers by agencies outside of their ranks or control. The vigilance of these agencies has not been diminished to any appreciable degree by the adoption of the so-called self-regulation plan of the Hays Association. It could not be. Too many pictures still flaunt the Hays emblem in defiance of their berth on the blacklist of the Chicago or Detroit Legion of Decency.

Why then the seal—especially since there is no longer the need for some means to avoid the confusion "from black and white lists"? Surely General Hays knows that only one list of classified pictures is now being published by the Catholic Church, through the New York Legion of Decency.

There can be no doubt that the activity of the Legion of Decency against filth on the screen was the great force that the members of the Hays association feared, to guard against which they conceived and put into effect their own little emblem of virtue. But the ruse, even after a year and a half of its existence, has failed to satisfy and subdue the

Legions of Decency. They don't seem to have much faith in the emblem or, for that matter, in those who hold the power to say where it shall be affixed and where it shall not. Those for whom the emblem was invented are not appeased by this tiny trademark put on the film as a sort of "His Master's Voice," proclaiming, "This is a wholesome picture."

And so it is that we find this poor, little, misguided insignia of the Hays association's code of morals, once the pampered pet of its creator, now disgraced by its complete failure to accomplish the primary purpose of its creation, that of cajoling the agitators for clean pictures. As a form of punishment, the foster-parents of this insignia have deprived it of the prominent and extensive space it formerly was permitted to occupy on the screen; they have shrunk its size to an insignificant, if not wholly indistinguishable, fraction of its former proportions; they have robbed it of the "wide publicity" which nursed it at birth and which was promised it as a companion throughout its existence, thus stifling the opportunity which was to have been its heritage of operating as the instrumentality for the "guidance to the public." In its present humble situation and surroundings, the Hays emblem is no more significant or effective than would be a small check-mark penciled alongside the title of each picture, in the books of the Hays association.

Why then the continuance of the seal? Has Will Hays or his constituency suddenly discovered a new use for this obsolete trinket? In its failure to control the efforts of the Legions of Decency it may have indicated its adaptability to control the product of independent producers. And Will Hays has never been slow in capitalizing upon an opportunity to control.

This new use of the Hays emblem of purity and innocence will be discussed in the next issue of HARRISON'S REPORTS.

## A "GEM" AMONG "GEMS"

In re-examining the Hays pamphlet, "Wholesale Distribution of Motion Pictures," with a view to finding out whether or not I omitted analyzing statements that you should know about, I came upon the following statement; it is, in my opinion, a gem from among the "shyster lawyerish" arguments that the author puts forward to defeat block-booking legislation:

"Block booking and blind buying are generally combined in the social protest although there is no essential connection between them. The latter is the practice of buying pictures in advance of their production. The social groups advocating selective booking in place of block booking urge also that blind buying be replaced by trade showing. By the latter is meant the screening of pictures for the inspection of exhibitors prior to purchase. It presupposes the completion of the picture before it is placed on the market.

"That blind buying is not necessarily related to block-booking is clear from the fact that whereas *selected pictures are frequently bought 'blindly' pictures sold in blocks are trade shown on occasion. Blind buying may or may not be present in block booking. It may or may not be present in selective booking. It is a distinct practice that bears no fixed relation to either method of booking.*" (Italics are mine.)

If the author of the pamphlet, whoever he is, meant to put forward this argument in a serious vein and not in

(Continued on last page)



**"Anything Goes" with Bing Crosby,  
Ida Lupino and Charles Ruggles**  
(Paramount, Jan. 24; time, 91 min.)

Fair. It has been given a lavish production, with a few good musical numbers. But the action lags considerably, some of the situations being dragged out to a point where they become tiresome. It will appeal mostly to the Crosby fans, as he is seldom off the screen; and he sings many of the popular tunes for which he is known. Only two of the songs have been retained from the play, the rest of the music being new compositions. Some of the comedy situations are amusing. Most of the comedy is provoked by Charles Ruggles, as Public Enemy No. 13, who, in order to avoid police detection, disguises himself by wearing a Bishop's outfit. What makes this amusing is the fact that he continues to use slang expressions. Arthur Treacher helps considerably with his familiar brand of English comedy. The dialogue at times is quite risqué:—

Crosby, who had gone to the boat to bid Miss Merman goodbye, notices that Ida Lupino is being forced on board by several tough looking men. Thinking that she was in danger, he decides to remain aboard to protect her. Ruggles, a gangster, befriends Crosby, giving him the passport belonging to his pal, Public Enemy No. 1, who had been detained by the police. Crosby annoys Miss Lupino by his attentions and his eagerness to help her. She finally confesses that she is in no danger, that she had run away from her home in England to marry an American, and that the men who had forced her on the ship bound for England had acted according to her parents' instructions. They fall in love with each other. Crosby asks Miss Merman to gain the attention of Treacher, an English lord accompanying Miss Lupino home, so that he could be alone with Miss Lupino. The Captain receives a radio message that the man whose place Crosby was taking was a notorious gangster. He imprisons both Crosby and Ruggles. Miss Lupino is heartbroken. When the ship docks, they escape; Crosby finds Miss Lupino and explains his position to her. A reconciliation follows. Treacher decides to marry Miss Merman.

The plot was adapted from the play by Howard Lindsay and Russell Crouse. Lewis Milestone directed it and Benjamin Glazer produced it. In the cast are Grace Bradley, Robert McWade, Margaret Dumont, and others.

Because of the risqué dialogue exhibitors will have to use their judgment about showing it to adolescents; children will not understand it. Adult entertainment. *Class B.*

**"The Return of Jimmy Valentine" with  
Roger Pryor and Charlotte Henry**  
(Republic, Feb. 14; time, 70 min.)

A pretty good melodrama, with human appeal. The story is interesting and holds one in fair suspense throughout; but it would have been much more exciting had some of the comedy sequences had been omitted. Instead of adding anything to the story, they retard the action. Each time the picture becomes exciting, the continuity is broken by the silly antics of Edgar Kennedy, a hotel detective, and James Burtis, a newspaper reporter. There are, nevertheless, several good points to the picture; as for instance, the devotion of Wade Boteler to his friend and employer, Robert Warwick, whom he is willing to shield even at the risk of his own life. The last scenes, where Pryor and Warwick trick the crooks, are exciting. The love interest is pleasant:—

Pryor, a newspaper reporter, in order to provide good material for a tieup with one of their advertisers, conceives the idea of running a story offering a reward of \$5,000 to any one who could find out where Jimmy Valentine, the one-time famous safe-cracker, now reformed, was living. He decides to enter the search himself. Certain clues lead him to a small town, where he becomes acquainted with Charlotte Henry, who tells him that she can introduce him to Boteler, the family chauffeur, who had personally known Valentine. Pryor investigates and comes to the realization that Valentine is none other than Warwick, Miss Henry's father, a man who had overcome all his evil habits, had settled down to a quiet life, and had progressed as a banker. J. Carrol Naish, a gangster, had followed Pryor. His purpose was to kill Valentine who, he believed, had double-crossed his father. Pryor is held prisoner by Naish and, in order to protect Miss Henry who had been taken with him, he is compelled to call Warwick and order him to meet him at the bank. Naish and his men accompany him there. Naish orders Warwick to open the safe, but he pretends that he cannot do so. Pryor, by setting off the burglar alarm, traps Naish and his men. Pryor decides not to give Warwick away, a fact which is appreciated by Miss Henry, who had fallen in love with him.

Scott Darling, Wallace Sullivan and Paul Armstrong, Jr. wrote the story. Jack Natteford and Olive Cooper wrote the screen play. Lewis D. Collins directed it and Victor Zobel supervised it. In the cast are James Burtis, Lois Wilson, Dewey Robinson, and others.

Suitable for all. *Class A.*

**"The Story of Louis Pasteur" with Paul Muni  
and Josephine Hutchinson**  
(First National, Feb. 22; time, 85 min.)

Excellent entertainment! This is an achievement that Warners may well be proud of. Without resorting to the usual claptrap, they have produced a picture which, because of its simplicity, should be understood, appreciated, and enjoyed by everybody. It is a tender, sympathetic story of Louis Pasteur, the noble scientist, who sacrificed his own health and happiness so that mankind might benefit from his discoveries. Many of the situations are so touching that one cannot hold back the tears. The most effective one is where Pasteur stands before the members and guests of the Medical Society, a man broken in health, to receive the plaudits they had denied him for many years; he is so stirred emotionally that he can hardly talk. Paul Muni, as Pasteur, surpasses anything he has done. He lives the part, and makes of the man a warm, humane, and lovable person, with a fine character, one who had unbounded faith in what he was doing and nothing could daunt him. The bigotry and selfishness of the doctors of his day, who opposed him, arouses one's fury. They refused to accept his theory that it was necessary for a doctor to wash his hands and sterilize his instruments before attending patients; that germs caused disease and death; that serums could be administered to save people and animals. Because of their branding him a charlatan, Pasteur was forced to live a retired life, forcing his convictions on them only at the cost of his own health. An extremely dramatic situation is the one in which Pasteur is brought to the hospital in a wheel chair personally to administer to many victims his cure for rabies. What makes this highly dramatic is the fact that his bitterest opponent (Fritz Leiber), a noted surgeon, finally acknowledges his genius. The story is interspersed with touches of Pasteur's home life—his love for his wife and children. Josephine Hutchinson, as the understanding and devoted wife, is a sympathetic character. Romance is provided by the affair between Pasteur's daughter (Anita Louise) and a young doctor (Donald Woods), who believed in Pasteur, but it is incidental. The photography is unusually good, particularly in the pastoral scenes.

The story and screen play is by Sheridan Gibney and Pierre Collings, the direction by William Dieterle. Henry Blanke supervised it. In the cast are Henry O'Neill, Halliwell Hobbes, Akim Tamiroff, Porter Hall, and others.

Excellent for all. *Class A.*

**"Every Saturday Night" with Jed Prouty  
and Spring Byington**

(20th Century-Fox, Feb. 7; time, 61 min.)

Pleasant family entertainment of program grade; it has pathos and comedy. It is the type of story that will appeal more to mature people than to the young folk because it deals mostly with the problems of everyday life in the home of an average American family. The trouble with such a picture, however, is the fact that the theme is too close to one's everyday existence. The characters awaken sympathy, particularly Florence Roberts, in the role of the grandmother, who understands perfectly the restlessness of youth. A touching situation is that in which she tries to convince her son, Jed Prouty, that he should be more lenient with his children. Most of the comedy is provoked by George Ernest, one of the children, who demands interest on loans he makes to his older brother. There are five children in the family, each one with his or her personal problem, and the action revolves around the efforts of the parents, Prouty and Spring Byington, to help each one. There is a slight romantic interest in the love affair between June Lang, the eldest daughter, and Thomas Beck, but it is incidental. The most entertaining character in the family is June Carlson, the twelve year old daughter, who imagines herself a great actress, and walks around in the house in different poses, imitating well known stars.

Katharine Kavanaugh wrote the story, Edward Eliscu wrote the screen play, James Tinling directed it, and Max Golden is the associate producer. In the cast are Kenneth Howell, William Mahan, Paxton Sisters, and others.

Suitable for all. *Class A.*



### "The Petrified Forest" with Leslie Howard and Bette Davis

(Warner Bros., Feb. 8; time, 82½ min.)

No one can deny the excellence of both the production and acting given to this picture, and also the fact that at times it is deeply stirring. But its appeal will be directed mainly to high class audiences because of the intellectual dialogue and the fact that there is not much action. Although both Leslie Howard and Bette Davis are popular, and the play from which it was adapted scored a success in New York, it is doubtful if it will get far in picture theatres. The masses will not find it to their taste, for it is not cheerful entertainment, and its message is "defeatism." It has moments of tender beauty, such as the situations in which Howard and Miss Davis, after knowing each other for a short time, find a perfect understanding between them—the meeting of souls. The ending is pretty strong and although it may be logical it is not pleasant; for a man purposely goes to his death. The second half, where the gangsters make their appearance, is pretty exciting. One is held in suspense not knowing what the outcome will be. The comedy relief is good. All the action takes place in a roadside inn:—

Howard, a disillusioned artist, hitch-hiking to the Coast, stops at an inn in the Arizona desert for food. He and Miss Davis, the owner's daughter, draw each other's interest. She tells him she hopes some day to leave the desert, to join her divorced mother in France where she could study art. He sees in her a picture of himself when he was young and begs her not to give up her dreams as he had given up his own. He had married a wealthy woman who had killed all his hopes and then left him for another man. A few other persons come to the inn. The inn is soon invaded by Humphrey Bogart, a notorious killer, and his gang. They plan to wait there for Bogart's girl-friend, who was to arrive in another car. They keep every one a prisoner. Howard, who had fallen deeply in love with Miss Davis as she had with him, sees a chance to do something for her. He signs over his insurance policy to her, without her knowing about it, and then asks Bogart to kill him so that she could collect the money and go to France. Bogart agrees to this, and Howard forces him to keep his promise before he leaves. Miss Davis is heartbroken.

The plot was adapted from the play by Robert E. Sherwood. Delmer Daves and Charles Kenyon wrote the screen play, Archie Mayo directed it. In the cast are Dick Foran, Genevieve Tobin, Porter Hall, and others.

Not for children or adolescents. Adult entertainment. *Class B.*

### "The Voice of Bugle Ann" with Lionel Barrymore and Maureen O'Sullivan

(MGM, Feb. 7; time, 71 min.)

This program picture must have been made primarily for dog lovers. It will hold little appeal for the average picture-goer because of the subdued romantic interest and of the fact that the story is concentrated on Lionel Barrymore's love for a dog. This is carried to such extremes that an attempt is made to justify his actions when he is shown killing Dudley Digges, a neighbor, who, he believed, had killed his dog. Certainly such an act cannot be viewed sympathetically by the majority of spectators. For that reason one's emotions are not stirred when he is sent to prison for the crime. The outdoor photography is excellent but, because of repetition of the shots that show the dogs chasing a fox, it becomes somewhat monotonous. The story is thin and has very little comedy relief:—

Barrymore, a breeder of dogs, loves one of them, whom he had nicknamed "Bugle Ann," because of her peculiar bark. His son (Linden) and his neighbors join him in training the dogs to chase a fox. Digges settles on land through which the dogs run during the chase and, since he wanted to raise sheep and was not interested in dogs, he puts up a wire fence, despite the pleas of Miss O'Sullivan and of Barrymore not to do so. Bugle Ann disappears during a chase and Barrymore, thinking that Digges had killed her, shoots and kills him. He is tried and sentenced to twenty years in prison. Through the efforts of Miss O'Sullivan, who had had no affection for her father, he is released after four years. When he returns home he meets Miss O'Sullivan and is shocked to hear her story. It seems that on the night of the fight Miss O'Sullivan had accidentally run over Bugle Ann with her car and, fearing that this would cause trouble, had taken the dog to her uncle's home and cared for her. After Bugle Ann had given birth to her

pups Miss O'Sullivan had set her free to roam with wild dogs. During a chase Bugle Ann had become caught in a fence and had choked to death. Barrymore is happy when Miss O'Sullivan gives him one of the pups that resembled the mother. She forgives him. She and Linden marry.

The plot was adapted from the book by MacKinlay Kantor. Harvey Gates and Samuel Hoffenstein wrote the screen play. Richard Thorpe directed it and John W. Considine, Jr. produced it. In the cast are Charley Grapevin, Spring Byington, Henry Wadsworth, and others.

Exhibitors will have to use their own judgment about showing it to children because of the murder. Good for adults. *Class B.*

### "Modern Times" with Charles Chaplin

(United Artists, Feb. 14; time, 87 min.)

Excellent! Five years absence from the screen has not diminished Chaplin's art. In his usual fashion, he can provoke laughs or tears, and keep the audience absorbed in whatever he is doing. Although he uses many of his old tricks, they are still good, and they have the proper effect on the audience. The story is according to the old Chaplin formula—that of the poor, downtrodden tramp, who is always bucking the stronger forces and never seems to get anywhere; the only difference is that the background here is of the modern times. There are several screamingly funny situations, the most amusing one being that in which an electrical feeding machine is tried out on Chaplin with disastrous results. Nothing quite as comical as this situation has ever been shown; and since it occurs almost at the beginning of the picture it puts the spectator in the proper mood. And the laughs are continued, particularly where Chaplin is shown picking up a red flag that had fallen from a truck and accidentally becomes the leader of a strikers' parade, for which he is arrested; also in the situation where he goes swimming and dives off the board into shallow water, and again in the situation where he forgets the words to a song he was supposed to sing in a cafe and, by using his inimitable gestures, wins over the patrons while singing a foreign song (a jumbled up affair) that he makes up as he goes along. He is still adept in the art of roller skating, as evidenced by his grace and skill in one situation, where he skates blindfolded; this situation, too, is exceedingly funny since he is not aware of the fact that he is skating close to an opening many feet above the ground.

In the development of the plot, Chaplin suffers a nervous breakdown owing to the mechanical factory work that he does. When he is released from the hospital, he accidentally becomes involved with strikers and is arrested. By preventing a prison break, he becomes the favorite prisoner and is given a comfortable berth; he regrets his eventual release. He meets and helps Paulette Goddard, a waif. Together they eke out an existence, meeting with difficulties—several arrests, and many disappointments. Just when things look bright for them, Miss Goddard, while in the cafe where she is working, is recognized by officers from whom she had once escaped. And so she and Chaplin are forced to run away again, to seek their fortunes elsewhere.

Mr. Chaplin wrote, directed, and produced it. In the cast are Chester Conklin, Hank Mann, and others.

Good for all. *Class A.*

### "Timothy's Quest" with Eleanore Whitney, Tom Keene and Dickie Moore

(Paramount, Jan. 31; time, 64 min.)

Fair program entertainment, suitable for the family trade. It has pathos in some of the situations, and comedy in others. The charm of the picture lies in the acting of Dickie Moore and Sally Martin, sister and brother, orphans; little Sally, probably no more than four years of age, is particularly appealing. A touching situation is that in which Dickie comforts Elizabeth Patterson, who had taken him into her home, when Eleanore Whitney, her niece, leaves after a quarrel. Some of the comedy is provoked by Virginia Weidler, a prying youngster, who is shown telling lies in order to put herself in a better light. The romantic interest is pleasant but incidental:—

The plot was adapted from the novel by Kate Douglas Wiggin. Virginia VanUpp, Dore Scharty, and G. W. Pratt wrote the screen play. Charles Barton directed it and Harold Hurley produced it. In the cast are Sally Martin, Bennie Bartlett, Samuel S. Hinds, and others.

Suitable for all. *Class A.*



merely an effort to mislead the unwary, then I suggest that *Film Daily*, in addition to the questionnaire it sends out each end of a year as to which are the ten best pictures of the year, put out also one as to who in this industry has made the most stupid and assinine statements. If it should so do, I am sure that the Hays pamphlet, "Wholesale Distribution of Motion Pictures," would win the prize.

Blind selling is so related to block booking that the elimination of the one would not destroy the other, and would not cure the disease. Suppose a law were passed forbidding compulsory block-booking. The exhibitor would still be unable to buy what he wanted, because he would not know what the pictures were. Suppose, on the other hand, the law eliminated blind selling! The exhibitor would then know what the pictures would be, but he would still be unable to buy what he wanted, because he would have to buy all or none. This should clear up in the mind of the author of this bulletin how closely interrelated are block-booking and blind-selling.

When the first bill against block-booking and blind-selling was introduced in Congress the producers complained, and with some justice, that it would cause them great hardship if they were to be compelled to tradeshow a picture before they sold it. The exhibitors recognized the justice of this complaint and inserted into the reformed bill a clause requiring the producers to furnish the exhibitor with a synopsis of one thousand or more words. The Pettengill Bill contains such a provision.

But the producers still complain, asserting that even this is impractical, by reason of the fact that, in the process of producing a picture, they are compelled to make many changes for its improvement.

The provision in the Pettengill Bill requiring them to submit a synopsis of the picture will not prevent them from making whatever changes for the picture's improvement they want, and the exhibitor will not, I am sure, object to it; no buyer will ever object when the goods that are being delivered to him are made better and finer than the specifications call for.

What the exhibitors are asking by means of this provision is what the buyers in every legitimate business are entitled to receive and they do receive—specifications of the goods they are about to buy. All the deception, all the chicanery in this business arises out of the fact that many producers fill the schedules of their contracts with numbers (some of them even omit the numbers) and then go about the business of delivering whatever pictures they see fit.

Gentlemen! This is not right! It is not fair! And it is not good business! And if the producers persist in it and continue undermining, through their efficient Hays association, the efforts of the exhibitors to have these evils corrected by law, the day will come—and very soon—when Congress may take notice of their grievances and pass laws that will be a thousand times worse for the producers. The present methods are too oppressive. And liberty has always been born of oppression. Our own nation stands as the best exponent of this truth.

### JUDGE MOORE'S JURY CHARGE IN PAMPHLET FORM

The Charge of Hon. George H. Moore, Judge of the District Court in St. Louis, delivered by him November 11 to the Jury in St. Louis, in the case of *United States of America vs. Warner Bros. Pictures, et al*, defines so clearly the rights of sellers, buyers, and retailers of motion pictures, and points out so distinctly the restrictions that the anti-trust laws place upon such rights, that I have printed that Charge in a special pamphlet and have sent a copy to each subscriber of HARRISON'S REPORTS in the United States and Canada.

The Charge to the Jury is preceeded by a foreword, written by Mr. George S. Ryan, attorney of Boston, who is versed in the anti-trust laws thoroughly. Mr. Ryan's opinions and comment on the Charge are highly interesting; they have already been commented upon favorably by many of those who have read the pamphlet.

There is, in this act of mine, nothing personal against any of those who were involved in the St. Louis case, and who were acquitted by the jury; it was merely my desire to have as many people who make their living out of this in-

dustry as possible know what they can and what they cannot do in selling, buying and exhibiting film. We all know that many of those abuses that were aired in the St. Louis court room exist, and that those who practice them feel that it is their privilege to act the way they act; a perusal of this Charge may convince them that the thoughts they entertain as to their rights are erroneous.

If any of those who are mistaken as to what the anti-trust laws require will get the right perspective by reading this pamphlet, the writer will feel that he has rendered a service, not only to them, but also to the entire industry.

### THE QUESTIONNAIRE

Copies of the Questionnaire seeking confidential information on the prices you paid and the terms you agreed upon for pictures of the 1935-36 season have already been mailed.

Each envelope contained: one green sheet, printed on both sides, with questions as to population, number of seats, competition and the like, and a space for the name of the reporting theatre owner; and two pink sheets with the same questions on each for flat rental as well as percentage terms, and some other relevant questions.

Each pink sheet contains three spaces, or six in all, giving the exhibitor an opportunity to report all the companies with which he is doing business.

If an exhibitor finds that the two pink sheets are not sufficient for his requirements, he may order as many more as he needs.

If you have failed to receive an envelope with the Questionnaire blanks, and want to make a report so that you may obtain a copy of the Digest free, you should write and ask for one.

At the time of writing this editorial, this office began to receive copies of the Questionnaire filled in. In some instances, however, the exhibitors failed to return also the green blank.

Failing to return the green blank properly filled causes a great hardship on this paper, by reason of the fact that, without it, the information is not complete, and this office cannot spend the time searching for the facts, which at best will not be as complete as they would be if they were sent in by the exhibitor himself.

In every case where the Questionnaire is returned without the green blank, a letter is written to the sender, asking for its return. So if you should neglect sending it now, it puts extra work on the small clerical force of this office.

Without the green sheet the other part of the Questionnaire is not taken into consideration. It is just put to one side until the exhibitor sends in the complete number of blanks. And in the printing of the Digest information sent in only on the pink sheets will not be included.

More than one thousand exhibitors replied to the questions in the Questionnaire last year. This year a greater number of you should reply to it, so as to make the deductions more helpful in the purchase of film.

If your friend or neighbor exhibitor is not a subscriber to HARRISON'S REPORTS, he will not receive a copy of the Questionnaire this year; only subscribers will receive it. Consequently, he should become a subscriber if he wants to send in his report.

Those who will send in their Questionnaire complete will again receive a copy of the Digest free of charge.

Needless to say that information of this nature sent in is considered strictly confidential.

### ATTENTION PUBLICITY OFFICES OF NEW YORK THEATRES

It has been reported to this office by a friend that some one is using my name to obtain tickets for theatres in this territory.

I would request the publicity heads of either the theatres or of the home offices of the theatre-owning producers to check back with this office whenever requests for tickets, as coming from me, are made.

P. S. HARRISON



## HARRISON'S REPORTS

Vol. XVIII

NEW YORK, N. Y., SATURDAY, FEBRUARY 15, 1936

No. 7

(Partial Index No. 1—Pages 2 to 24 Incl.)

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Lawless Riders—Columbia (57 min.)	Not Reviewed
Leavenworth Case, The—Republic (67 min.)	11
Lone Wolf Returns, The—Columbia (68 min.)	11
Magnificent Obsession—Universal (111 min.)	6
Man Hunt—Warner Bros. (60 min.)	22
Milky Way, The—Paramount (87½ min.)	22
Mister Hobo—Gaumont British (79 min.)	11
Murder of Dr. Harrigan, The—First Nat'l. (86 m.)	10
Muss 'Em Up—RKO (68½ min.)	19
My Marriage—20th Century-Fox (68 min.)	14
Mysterious Avenger, The—Col. (54½ m.)	Not Reviewed
Next Time We Love—Universal (85½ min.)	23
Paddy O'Day—20th Century-Fox (75½ min.)	7
Professional Soldier—20th Century-Fox (78 min.)	22
Riff-Raff—MGM (93 min.)	10
Ring Around the Moon—Chesterfield (69½ min.)	3
Rose Marie—MGM (111 min.)	22
Rose of the Rancho—Paramount (80½ min.)	6
Sagebrush Troubadour—Republic (54 m.)	Not Reviewed
Singing Vagabond—Republic (52 m.)	Not Reviewed
Soak the Rich—Paramount (85 min.)	18
Strike Me Pink—United Artists (99½ min.)	15
Sunset of Power—Universal (66 m.)	Not Reviewed
Tango—Invincible (69½ min.)	7
Three Live Ghosts—MGM (61 min.)	15
Tough Guy—MGM (75 min.)	23
Two in the Dark—RKO (73½ min.)	6
When We Look Back—Republic (See "Frisco Water-front")	203
Whispering Smith Speaks—20th Century-Fox (67 m.)	3
Widow from Monte Carlo, The—Warner B. (59½ m.)	18

## RELEASE SCHEDULE FOR FEATURES

## Chesterfield Features

(1540 Broadway, New York, N. Y.)

## Beginning of 1935-36 Season

Ring Around the Moon—Moore-Cook	Dec. 1
The Dark Hour—Ray Walker-Irene Ware	Jan. 9
The Little Red School House—Coghlin-Moore	Feb. 15

## Columbia Features

(729 Seventh Ave., New York, N. Y.)

## 1934-35 Season

5006 A Feather in Her Hat—Lord-Barrie	Oct. 24
5037 Twenty-Five Dollars an Hour	Rel. date not set
5002 Opera Hat—Gary Cooper	Rel. date not set

(More to come)

## 1935-36 Season

6015 Grand Exit—Sothorn-Lowe	Oct. 25
6023 Escape From Devil's Island—Jory-Marsh	Nov. 10
6203 Western Courage—Maynard (58 min.)	Nov. 15
6035 Too Tough to Kill—Jory-O'Neill	Nov. 23
6013 One Way Ticket—Nolan-Conklin	Nov. 25
6211 Gallant Defender—P. B. Kyne (56½ min.)	Nov. 30
6020 The Calling of Dan Matthews—Arlen	Dec. 10
6011 Crime and Punishment—Arnold-Marsh	Dec. 25
6204 Lawless Riders—Maynard (57 min.)	Dec. 28
6010 If You Could Only Cook—Arthur-Marshall	Dec. 30
6014 The Lone Wolf Returns—Douglas-Patrick	Dec. 31
6212 The Mysterious Avenger—Kyne (54½ min.)	Jan. 3
6036 Dangerous Intrigue—Bellamy-Marsh	Jan. 4
6009 Lady of Secrets—Chatterton-Kruger	Jan. 25
6024 You May Be Next (Panic on the Air)— Sothorn-Nolan (reset)	Feb. 6
Hell Ship Morgan—Bancroft-Jory	Feb. 8
6205 The Cattle Thief—Maynard	Feb. 28

## First National Features

(321 West 44th Street, New York, N. Y.)

970 The Murder of Dr. Harrigan—Cortez-Astor	Jan. 11
953 Ceiling Zero—Cagney-O'Brien-Travis	Jan. 25
956 The Story of Louis Pasteur—Muni	Feb. 22
978 Song of the Saddle—Dick Foran	Feb. 29

## Gaumont-British Features

(1600 Broadway, New York, N. Y.)

First a Girl—Jessie Matthews	Dec. 25
King of the Damned—Veidt-Vinson (reset)	Jan. 20
Rhodes (Rhodes the Empire Builder)—Houston (reset)	Feb. 20

## Invincible Features

(1540 Broadway, New York, N. Y.)

Hitch-Hike to Heaven—Crosman-Rawlinson	Nov. 15
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(End of 1934-35 Season)

## Beginning of 1935-36 Season

Tango—Marion Nixon-Chick Chandler	Jan. 1
Bridge of Sighs—Stevens-Tree-LaRue	Feb. 5

## Mascot Features

(1776 Broadway, New York, N. Y.)

Confidential—Knapp-Cook	Oct. 15
Along Came a Woman—Fazenda-Eburne	Mar. 1

## Metro-Goldwyn-Mayer Features

(1540 Broadway, New York, N. Y.)

## 1934-35 Season

517 Riff-Raff—Harlow-S. Tracy	Jan. 3
521 The Bohemian Girl—Laurel-Hardy (reset)	Feb. 14

(More to come)

## 1935-36 Season

644 A Night at the Opera—Marx Bros.	Nov. 15
615 The Perfect Gentleman—Morgan-Angel	Nov. 22
628 Ah, Wilderness—Beery-Barrymore	Nov. 29
619 Kind Lady—MacMahon-Rathbone	Dec. 6
617 Last of the Pagans—native cast	Dec. 20
604 A Tale of Two Cities—Colman-Allan	Dec. 27
618 Three Live Ghosts—Arlen-Mercer	Jan. 10
621 Exclusive Story—Tone-Evans (reset)	Jan. 17
620 Tough Guy—Cooper-Stephens-Calleia	Jan. 24
643 Rose Marie—MacDonald-Eddy-Owen	Jan. 31
630 The Voice of Bugle Ann—Barrymore (reset)	Feb. 7
622 Garden Murder Case—Lowe-Bruce	Feb. 28



## Paramount Features

(1501 Broadway, New York, N. Y.)

3523	Nevada—Crabbe-Erickson .....	Nov. 29
3524	Coronado—Down-Burgess-Haley-Erroll .....	Nov. 29
	No release set for .....	Dec. 6
3525	Bar 20 Rides Again—Wm. Boyd .....	Dec. 13
3526	Millions in the Air—Howard-Barrie .....	Dec. 13
3527	Scrooge—English production .....	Dec. 20
3528	It's a Great Life—Morrison-Kelly .....	Dec. 20
3529	Collegiate—Penner-Oakie-Sparks .....	Dec. 27
3530	The Bride Comes Home—Colbert-MacMurray .....	Jan. 3
3516	Rose of the Rancho—Boles-Swarthout .....	Jan. 10
3531	Her Master's Voice—Horton-Crews .....	Jan. 17
3532	Soak the Rich—Connolly-Taylor-Howard .....	Jan. 17
3533	Anything Goes—Crosby-Merman-Ruggles .....	Jan. 24
3534	Timothy's Quest—Whitney-Keene-Moore .....	Jan. 31
3535	The Milky Way—Lloyd-Menjou-Teasdale .....	Feb. 7
3536	Drift Fence—Crabbe (56 min.) .....	Feb. 14
3537	Woman Trap—Michael-Murphy .....	Feb. 14
	Desire—Dietrich-Cooper-Halliday .....	Feb. 21
	Klondike Annie—West-McLaglen-Reed .....	Feb. 28
	Preview—Denny-Drake-Patrick .....	Feb. 28
	Give Us This Night—Kiepusa-Swarthout .....	Mar. 6
	Call of the Prairie—Boyd-Ellison .....	Mar. 6
	Trail of the Lonesome Pine—Sidney .....	Mar. 13
	F Man—Haley-Marden-Frawley .....	Mar. 13

## Republic Features

(1270 Sixth Avenue, New York, N. Y.)

### Beginning of 1935-36 Season

3556	Westward Ho—John Wayne .....	Aug. 19
3507	Two Sinners—Sleeper-Kruger .....	Sept. 16
3508	Cappy Ricks Returns—McWade-Walker .....	Sept. 23
3502	Forbidden Heaven—Farrell-Henry .....	Oct. 5
3558	New Frontier—John Wayne (54 min.) .....	Oct. 5
3567	Melody Trail—Gene Autry .....	Oct. 14
3530	Spanish Cape Mystery—Cook-Twelve-trees .....	Oct. 17
3546	Crime of Dr. Crespi—Von Stroheim .....	Oct. 21
3547	Racing Luck—Bill Boyd (60 min.) .....	Oct. 28
3562	Lawless Range—John Wayne (59 min.) .....	Nov. 4
3566	Tumbling Tumbleweeds—Gene Autry .....	Nov. 9
3532	\$1000 a Minute—Pryor-Hyams .....	Nov. 15
3550	Burning Gold—Bill Boyd (60 min.) .....	Dec. 1
3524	Forced Landing—Ralston-Stevens .....	Dec. 2
3568	The Sagebrush Troubador—Autry (54 m.) .....	Dec. 2
3518	Frisco Waterfront—Twelve-trees-Lyon .....	Dec. 5
3537	Hitch Hike Lady—Skipworth (reset) .....	Dec. 28
3569	The Singing Vagabond—Autry (52m) (re) .....	Jan. 5
3560	The Oregon Trail—John Wayne .....	Jan. 18
3526	The Leavenworth Case—Foster-Cook .....	Jan. 20
3525	Dancing Feet—Lyon-Marsh-Nugent .....	Jan. 31
3531	Return of Jimmy Valentine—Pryor .....	Feb. 14
3557	G-Men of the Nineties—John Wayne .....	Feb. 15
3501	Leathernecks Have Landed—Ayres-Jewell .....	Feb. 22
3568	Red River Valley—Gene Autry .....	Feb. 24
3505	House of a Thousand Candles—Holmes .....	Feb. 29
3559	West of God's Country—John Wayne .....	Mar. 9
3522	Laughing Irish Eyes—Regan-Knapp .....	Mar. 10

## RKO Features

(1270 Sixth Ave., New York, N. Y.)

544	Three Musketeers—Abel-Lukas-Graham .....	Nov. 1
543	Fang and Claw—Frank Buck .....	Dec. 20

(End of 1934-35 Season)

### 1935-36 Season

603	Powder Smoke Range—Carey .....	Sept. 27
606	Hi Gaucho—Duna-Carroll .....	Oct. 11
605	Rainmakers—Wheeler-Woolsey-Lee .....	Oct. 25
607	To Beat the Band—Herbert-Broderick .....	Nov. 8
608	Annie Oakley—Stanwyck-Foster .....	Nov. 15
609	In Person—Rogers-Brent .....	Nov. 22
611	Seven Keys to Baldpate—Raymond .....	Dec. 13
615	Another Face—Donlevy-Ford-Brooks .....	Dec. 20
612	We're Only Human—Foster-Wyatt .....	Dec. 27
610	I Dream Too Much—Lily Pons .....	Dec. 27
614	Sylvia Scarlett—Hepburn-Grant .....	Jan. 3
616	Two in the Dark—Abel-Grahame .....	Jan. 10
617	Chatterbox—Ann Shirley .....	Jan. 19
622	The Lady Consents—Harding-Marshall .....	Feb. 7
619	Muss 'Em Up—Foster-Callahan-Mowbray .....	Feb. 14
613	Follow the Fleet—Rogers-Astaire .....	Feb. 21
618	Yellow Dust—Dix-Hyams .....	Mar. 13

## Twentieth Century-Fox Features

(444 W. 56th St., New York, N. Y.)

606F	Navy Wife—Trevor-Bellamy-Darwell .....	Nov. 29
621T	Show Them No Mercy—Hudson-Romero .....	Dec. 6
622F	Your Uncle Dudley—Horton-Wilson .....	Dec. 13
623F	Whispering Smith Speaks—G. O'Brien .....	Dec. 20
624F	The Littlest Rebel—Shirley Temple .....	Dec. 27
625F	King of Burlesque—Baxter-Faye-Oakie .....	Jan. 3
626F	Charlie Chan's Secret—Oland-Lawrence .....	Jan. 10
627F	Paddy O'Day—Withers-Tomlin .....	Jan. 17
628T	Professional Soldier—McLaglen-Stuart .....	Jan. 24
630F	My Marriage—Trevor-Taylor (reset) .....	Jan. 31
637F	Every Saturday Night—Prouty-Lang .....	Feb. 7
631T	It Had to Happen—Raft-Russell .....	Feb. 14
633F	Here Comes Trouble—Kelly-Judge .....	Feb. 21
638T	The Prisoner of Shark Island—Baxter .....	Feb. 28
629F	Champagne Charlie—Cavanagh (reset) .....	Mar. 6
635F	Captain January—Shirley Temple .....	Mar. 13
636F	The Country Doctor—Hersholt-Stone .....	Mar. 20
634F	Everybody's Old Man—Cobb-Hudson .....	Mar. 27
639F	O'Malley of the Mounted—George O'Brien .....	Mar. 27
640F	Charlie Chan at the Circus—Oland .....	Apr. 3
632T	A Message to Garcia—Beery-Stanwyck .....	Apr. 10

## United Artists Features

(729 Seventh Avenue, New York, N. Y.)

### Beginning of 1935-36 Season

	The Dark Angel—March-Oberon-Marshall .....	Sept. 6
	Red Salute—Stanwyck-Young .....	Sept. 13
	Barbary Coast—Hopkins-McCrea-Robinson .....	Sept. 27
	Melody Lingers On—Hutchinson-Houston .....	Nov. 9
	Splendor—Hopkins-McCrea .....	Nov. 23
	Strike Me Pink—Eddie Cantor (reset) .....	Jan. 24
	Ghost Goes West—Donat-Parker .....	Feb. 7
	Modern Times—Charles Chaplin (reset) .....	Feb. 14
	These Three—Hopkins-Oberon-McCrea .....	Feb. 28
	Little Lord Fauntleroy—Bartholomew .....	Mar. 6
	Things to Come—English cast (reset) .....	Mar. 13
	Amateur Gentleman—Douglas Fairbanks, Jr. ....	Mar. 20

## Universal Features

(1250 Sixth Avenue, New York, N. Y.)

### 1934-35 Season

A8018	She Gets Her Man (A Cup of Coffee)— Pitts-O'Connell .....	Aug. 19
A8006	Magnificent Obsession—Irene Dunne .....	Jan. 6
A8004	Next Time We Love—Sullavan-Stewart .....	Jan. 27
A8002	Sutter's Gold—Arnold-Barnes .....	Mar. 23
A8001	Showboat—Dunne-Jones-Robeson .....	Apr. 13

(More to come)

### 1935-36 Season

A9023	Three Kids and a Queen—Robson .....	Oct. 28
A9011	Remember Last Night (Hangover Murders)— Arnold-Young .....	Nov. 4
A9016	Stormy—Beery, Jr.—Rogers .....	Nov. 11
A9042	Ivory Handled Gun—Buck Jones (58½ m.) .....	Nov. 11
A9012	Sweet Surrender—Tamara-Parker .....	Nov. 18
A9029	East of Java—Bickford-Young .....	Nov. 25
A9014	The Great Impersonation—Lowe-Hobson .....	Dec. 9
A9015	The Invisible Ray—Karloff (reset) .....	Jan. 20
A9043	Sunset of Power—Buck Jones (66 min.) .....	Jan. 23
A9032	Dangerous Waters (Riverboat Gambler)— Holt-Gibson (reset) .....	Feb. 3
A9044	Silver Spurs—Buck Jones (65½ min.) .....	Feb. 10
A9025	Don't Get Personal—Eilers-Dunn .....	Feb. 17
A9007	Love Before Breakfast (Spinster Dinner)— Lombard-Foster (reset) .....	Mar. 2
A9045	For the Service—Buck Jones .....	Apr. 6
A9006	Dracula's Daughter—Churchill-Kruger .....	Apr. 6

## Warner Bros. Features

(321 West 44th Street, New York, N. Y.)

916	Miss Pacific Fleet—Blondell-Farrell .....	Dec. 14
910	Dangerous—Davis-Tone-Lindsay .....	Jan. 4
922	Freshman Love—McHugh-Ellis-Hull .....	Jan. 18
921	The Widow From Monte Carlo—William .....	Feb. 1
904	The Petrified Forest—Howard-Davis .....	Feb. 8
923	Man Hunt—Cortez-Churchill .....	Feb. 15



## SHORT SUBJECT RELEASE SCHEDULE

### Columbia—One Reel

6802	Feminine Invasion—World of Sports (9½m)	Oct. 20
6351	Tetched in the Haid—Barney Google color cartoon (7 min.)	Oct. 24
6404	From the Brink of Eternity—Voice of Experience No. 4—(11 min.)	Oct. 28
6602	Let's Ring Doorbells—Scrappys (7 min.)	Nov. 7
6703	Screen Snapshots No. 3—(9½ min.)	Nov. 8
6953	Stars of Tomorrow No. 3—(10½ min.)	Nov. 10
6954	Stars of Tomorrow No. 4—(10½ min.)	Nov. 10
6405	Voice of Experience No. 5—(10 min.)	Nov. 12
6503	Kannibal Kapers—K. Kat cartoon	Nov. 21
6406	Voice of Experience No. 6—(11½ min.)	Nov. 27
6803	Hunter's Paradise—Sports (9½ min.)	Nov. 30
6303	Bon Bon Parade—Color Rhapsody (8½m.)	Dec. 5
6704	Screen Snapshots No. 4—(9½ min.)	Dec. 6
6407	Voice of Experience No. 7—(9½ min.)	Dec. 8
6352	(6354) Patch Mah Britches—Google cartoon (7 min.)	Dec. 19
6408	Voice of Experience No. 8—(10½ m.)	Dec. 24
6603	Scrappy's Boy Scouts—Cartoon (7½ m.)	Jan. 2
6705	Screen Snapshots No. 5—(9½ m.)	Jan. 3
6955	Stars of Tomorrow No. 5—(11 m.)	Jan. 15
6956	Stars of Tomorrow No. 6—(11 m.)	Jan. 17
6706	Screen Snapshots No. 6—(9½ m.)	Jan. 31
6504	The Bird Stuffer—K. Kat (6 m.)	Feb. 1
6304	Doctor Bluebird—Color Rhapsody (8 m.)	Feb. 5
6804	Ice Cutups—World of Sports (9½ m.)	Feb. 6
6604	Scrappy's Pony—Cartoon	Feb. 27

### Columbia—Two Reels

6108	Yoo Hoo Hollywood—All star com. (18 m.)	Nov. 14
6109	Three Little Beers—Stooge #3 (16½ min.)	Nov. 28
6110	Hot Paprika—Clyde No. 2 (17 min.)	Dec. 12
6111	I Don't Remember—Langdon No. 2 (18½ m.)	Dec. 26
6112	Unrelated Relations—All Star (18½ m.)	Jan. 9
6113	Just Speeding—All Star (17½ m.)	Jan. 23
6114	Ants in the Pantry—Stooge No. 4 (18 m.)	Feb. 6

### Metro-Goldwyn-Mayer—One Reel

M-322	Trained Hoofs—Miniatures (9 min.)	Oct. 12
W-342	Honeyland—Cartoons (10 min.)	Oct. 19
S-363	Gymnastics—Sports Parade (9 min.)	Oct. 26
T-303	Honolulu, Paradise of the Pacific—Traveltalks (8 min.)	Nov. 2
M-323	The Great American Pie Co.—Miniatures (11 min.)	Nov. 9
W-343	Alias St. Nick—Cartoon (10 m.)	Nov. 16
S-364	Water Sports—Sports Parade (8 m.)	Nov. 23
T-304	Rural Mexico—Traveltalks (8 m.)	Nov. 30
M-324	Primitive Pitcairn—Miniatures (9 m.)	Dec. 7
W-344	Run Sheep, Run—Cartoon (11 m.)	Dec. 14
S-365	Crew Racing—Sports Parade (10 m.)	Dec. 21
T-305	Modern Tokyo—Traveltalks (9 m.)	Dec. 28
M-325	Let's Dance—Miniatures (8 m.)	Jan. 4
W-345	Not Yet Titled—Cartoon	Jan. 11
S-366	Not Yet Titled—Sports Parade	Jan. 18
T-306	Victoria and Vancouver—Traveltalks	Jan. 25
M-326	West Point of the South—Miniatures (8 m.)	Feb. 1

### Metro-Goldwyn-Mayer—Two Reels

C-222	Twin Triplets—Todd-Kelly (21 min.)	Oct. 12
P-242	Desert Death—Crime Doesn't Pay (21 m.)	Oct. 19
C-212	Little Sinner—Our Gang (18 m.)	Oct. 26
R-232	Pirate Party on Catalina Isle—Musical Revue (20 min.)	Nov. 2
C-202	Manhattan Monkey Business—Chase (21 m.)	Nov. 9
C-223	Hot Money—Todd-Kelly (18 m.)	Nov. 16
P-243	A Thrill For Thelma—Crime Doesn't Pay (18 min.)	Nov. 23
C-213	Our Gang Follics of 1936—Our Gang comedy (18 min.)	Nov. 30
R-233	Not Yet Titled—Musical Revue	Dec. 7
C-203	Public Ghost No. 1—Chase comedy (20 m.)	Dec. 14
C-224	Top Flat—Todd-Kelly comedy (20 m.)	Dec. 21
P-244	Not Yet Titled—Crime Doesn't Pay	Dec. 28
C-214	The Pinch Singer—Our Gang (18 m.)	Jan. 4
R-234	Not Yet Titled—Musical Revue	Jan. 11
C-204	Life Hesitates at 40—Chase comedy (15 m.)	Jan. 18
C-225	An All American Toothache—Todd-Kelly (20 m.)	Jan. 25

## Paramount—One Reel

A5-6	Parade of the Maestros—Headliner (10m)	Nov. 15
R5-5	Sport on the Range—Sportlight (9½ m.)	Nov. 22
T5-4	Henry, the Funniest Living American—Betty Boop (6½ min.)	Nov. 22
Sc5-2	It's Easy to Remember—Sc. song (9½ min.) re	Nov. 29
J5-2	Popular Science No. 2—(10 min.)	Nov. 29
V5-8	Countryside Melodies—Varieties (6 m.)	Nov. 29
E5-4	The Spinach Overture—Popeye (8 m.)	Dec. 6
A5-7	Radio Rhapsody—Headliner (9½ m.)	Dec. 6
P5-5	Paramount Pictorial No. 5—(9 m.)	Dec. 6
V5-7	Broadway Highlights No. 5—Var. (10 m.)	Dec. 13
R5-6	The Sporting Network—Sport. (9½ m.)	Dec. 20
V5-9	Lucky Stars—Varieties (10 m.)	Dec. 27
A5-8	Accent on Girls—Headliners (8½ m.)	Dec. 27
T5-5	Little Nobody—Betty Boop cart. (6½ m.)	Dec. 27
P5-6	Paramount Pictorial No. 6—(9½ m.)	Jan. 3
E5-5	Vim, Vigor and Vitality—Popeye (6½ m.)	Jan. 3
V5-10	Shorty at Coney Island—Var. (9½ m.)	Jan. 10
A5-9	Moscow Moods—Headliner (10 m.)	Jan. 17
R5-7	What's The Answer—Sportlight (9½ m.)	Jan. 17
C5-3	Somewhere in Dreamland—Color (8½ m.)	Jan. 17
Sc5-3	No Other One—Screen Song (6½ m.)	Jan. 24
J5-3	Popular Science No. 3—(10½ m.)	Jan. 24
T5-6	Betty Boop and the Little King—cart. (6 m.)	Jan. 31
V5-11	Movie Milestones No. 2—Varieties (9½ m.)	Jan. 31
P5-7	Paramount Pictorial No. 7—(9½ m.)	Jan. 31
A5-10	Seeing Stars—Headliner	Feb. 7
E5-6	A Clean Shaven Man—Popeye (6 m.)	Feb. 7
R5-8	Finer Points—Sportlight (9 m.)	Feb. 14
V5-12	The Collie—Varieties (9½ m.)	Feb. 21
A5-11	Movie Melodies on Parade—Head. (10 m.)	Feb. 28
P5-8	Paramount Pictorial No. 8	Feb. 28
T5-7	Not Now—Betty Boop Cartoon	Feb. 28

### RKO—One Reel

64203	A World Within—Easy Aces (10 m.)	Nov. 1
64403	Beach Masters—Struggle to Live (10½m)	Nov. 8
64101	Molly Moo Cow and the Indians—Rainbow Parade Technicolor (7½ min.)	Nov. 15
64503	Land of Evangeline—World of Parade (10½ min.)	Nov. 22
64204	Etiquette—Easy Aces (9 min.)	Nov. 29
64102	Molly Moo Cow and the Butterflies—Rainbow Parade (7½ min.)	Dec. 6
64602	Pathe Topics—(10½ min.)	Dec. 6
64303	Gentlemen's Sport—Sc. & Sport (11m)	Dec. 13
64103	Molly Moo Cow and Rip Van Winkle—Rainbow Parade (7½ min.)	Dec. 27
64504	Morocco—World on Parade (11 m.)	Jan. 10
64104	Toonerville Trolley (Molly Moo Cow and Robinson Crusoe)—Rainbow Parade (7 m.)	Jan. 17
64603	Pathe Topics—(10 m.)	Jan. 17
64304	Tomorrow's Halfback—Sports (11 m.)	Jan. 24
64205	Winter at the Zoo—Easy Aces	Jan. 31
64105	The Goose that Laid the Golden Egg—Rainbow Parade (7½ m.)	Feb. 7
64404	Winged Pageantry—Struggle to Live (10 m.)	Feb. 14
64505	Prominent Personality—World on Parade	Feb. 21
64106	Molly Moo Cow and Robinson Crusoe—Rainbow Parade cartoon	Feb. 28

### RKO—Two Reels

63805	Major Bowes—(17½ min.)	Nov. 8
63104	March of Time—Issue No. 8 (19½ min.)	Nov. 15
63602	Tuned Out—Ruth Etting (20 min.)	Nov. 15
63806	Major Bowes—(17 min.)	Nov. 22
63702	Counselitis—Leon Errol (18 min.)	Nov. 22
63203	The Worm Burns—Radio Flash (17 min.)	Dec. 6
63105	March of Time—Issue No. 9 (23 min.)	Dec. 13
63303	Too Many Surprises—comedy (20½ min.)	Dec. 13
63503	Foolish Hearts—Radio comedy (18 m.)	Dec. 27
63403	Gasoloons—Kennedy (15½ min.)	Jan. 3
63106	March of Time—Series 2, No. 1 (19 m.)	Jan. 17
63503	Camera Cranks—Comedy (18½ m.)	Jan. 17
63703	Uppercutlets—Comedy (18 m.)	Jan. 24
63204	Radio Barred—Flash comedy (15½ m.)	Feb. 7
63107	March of Time—No. 2	Feb. 14
63304	All Business—Ford Sterling (18½ m.)	Feb. 14
63504	Alladin From Manhattan—Etting (17 m.)	Feb. 28
63404	Will Power—Kennedy (15½ m.)	Mar. 6
63108	March of Time—No. 3	Mar. 13



## Twentieth Century-Fox—One Reel

6507	Aladdin's Lamp—Terry-Toon (6 min.)	Nov. 15
1504	Shooting the Record Breakers—Adventures of a News Cameraman (8 min.)	Nov. 22
3604	Argentine Argosy—Along Rd. Romance (9½ min.)	Nov. 22
6508	Southern Horse-Pitality—Terry-Toon (6m.)	Nov. 29
6908	Sorority Blues—Song Hit com. (11 m.)	Dec. 6
6509	Ye Olde Toy Shop—Terry Toon (6 min.)	Dec. 13
6907	Seeing Nellie Home—Song Hit com. (11m.)	Dec. 20
3605	Winter Magic—Along Rd. Romance (8½ m.)	Dec. 27
1505	Filming the Feminine Headliners—Adventures of a News Cameraman (9½ m.)	Dec. 27
6510	The Mayflower—Terry-Toon (6 m.)	Dec. 27
6607	The Game of Jai Alai—Tres. Chest (9 m.)	Dec. 27
6909	Easy Pickin's—Musical (10 m.)	Dec. 27
6511	The Feud—Terry-Toon (6 m.)	Jan. 10
6606	The Seeing Eye—Treas. Chest (10½ m.)	Jan. 17
6512	19th Hole Club—Terry-Toon (6½ m.)	Jan. 24
6603	Manhattan Tapestry—Treas. Chest	Jan. 31
6608	Fisherman's Luck (Swordfish)—Treas. Chest (9 m.)	Jan. 31
3606	Hong-Kong Highlights—Along the Road to Romance (9½ m.)	Jan. 31
1506	Filming the Fantastic—Adventures of a News Cameraman (9½ m.)	Jan. 31
6513	Hometown Olympics—Terry-Toon (6 m.)	Feb. 7
6609	Legend of the Lei—Treas. Chest	Feb. 14
6514	The Alpine Yodeler—Terry-Toon	Feb. 21
	No release for	Feb. 28
6515	Barnyard Amateurs—Terry-Toon	Mar. 6

## Twentieth Century-Fox—Two Reels

6207	One Big Happy Family—com. (21½ m.)	Nov. 15
6303	Knockout Drops—Mirthquake (19 min.)	Dec. 6
6304	Choose Your Partners—Mirthquake (20m.)	Dec. 13
6108	Perfect Thirty-Sixes—Mus. com. (18½ m.)	Dec. 20
6109	Three on a Limb—Keaton (19½ min.)	Jan. 3
6208	The Brain Busters—Barnett (18 m.)	Jan. 10
6209	Mixed Policies—Screen star com. (20 m.)	Jan. 17
6110	Thanks Mr. Cupid—Mus. Comedy (18 m.)	Jan. 24
6305	Beware of Blondes—Young Rom. (20½ m.)	Feb. 7
6112	Give 'Im Air—Joe Cook comedy	Feb. 14
6111	Grand Slam Opera—Buster Keaton	Feb. 21
6306	Love in September—Coogan	Mar. 6

## United Artists—One Reel

2	Mickey's Garden—M. Mouse (9 min.)	July 31
3	Mickey's Fire Brigade—M. Mouse (8½m.)	Sept. 4
4	Pluto's Judgment Day—M. Mouse (8 min.)	Sept. 28
3	Musical Land—Silly Symphony (9 min.)	Oct. 10
5	On Ice—Mickey Mouse (8 min.)	Nov. 6
4	Three Orphan Kittens—Silly Symphony (9 m.)	Nov. 21
5	Broken Toys—Silly Symphony (8 m.)	Dec. 19
6	Cock O' The Walk—Silly Symphony (8 m.)	Jan. 9
6	Mickey's Polo Team—Mickey Mouse (8 m.)	Feb. 5

## Universal—One Reel

A9271	Amateur Broadcast—Oswald cart. (6½m.)	Aug. 26
A9272	The Quail Hunt—Oswald cart. (7½m.)	Oct. 7
A9273	Monkey Wretches—Oswald cart. (7m.)	Nov. 11
A9374	Stranger Than Fiction No. 14—(8½m.)	Nov. 18
A9387	Going Places With Thomas No. 14—9½m.	Nov. 25
A9375	Stranger Than Fiction No. 15—(9 min.)	Dec. 2
A9388	Going Places with Thomas #15—(8½ m.)	Dec. 9
A9274	Case of the Lost Sheep—Oswald (7 min.)	Dec. 9
A9376	Stranger Than Fiction No. 16—(8½ m.)	Dec. 16
A9389	Going Places with Thomas #16—(9½ m.)	Dec. 23
A9275	Doctor Oswald—Oswald cartoon (7½ m.)	Dec. 30
A9377	Stranger Than Fiction No. 17—(9 min.)	Jan. 13
A9390	Going Places with Thomas No. 17—(9½ m.)	Jan. 20
A9276	Soft Ball Game—Oswald Cart. (7 m.)	Jan. 27
A9277	Alaska Sweepstakes—Oswald cart. (7½ m.)	Feb. 17
A9163	Skits 'n' Sketches—novelty (9½ m.)	Feb. 24

## Universal—Two Reels

A9607	The Crash in the Clouds—Tommy No. 7 (20 min.)	Dec. 2
A9155	Gus Van's Music Shoppe—Mentone (20m.)	Dec. 4
A9608	Wings Disaster—Tommy No. 8 (18 min.)	Dec. 9
A9609	Crossed and Double Crossed—Tommy No. 9—(19½ min.)	Dec. 16
A9610	Doomed in a Dungeon—Tommy No. 10 (18½ min.)	Dec. 23

A9156	Clubhouse Party—Mentone com. (10 m.)	Dec. 25
A9611	Desperate Chance—Tommy No. 11 (19m.)	Dec. 30
A9612	The Last Stand—Tommy No. 12 (19 m.)	Jan. 6
A9171	You Can be Had—Monkey comedy (14 m.)	Jan. 8
A9701	College Hero—Adventures of Frank Merriwell no. 1 (18½ m.)	Jan. 13
A9702	The Death Plunge—Merri. No. 2 (20½ m.)	Jan. 20
A9157	Carnival Time—Mentone com. (20½ m.)	Jan. 22
A9703	Death at the Crossroads—Merriwell No. 3 (18½ m.)	Jan. 27
A9704	Wreck of the Viking—Merri. No. 4 (19 m.)	Feb. 3
A9705	Capsized in the Cataract—Merriwell No. 5 (20½ m.)	Feb. 10
A9706	Descending Doom—Merri. No. 6 (18½ m.)	Feb. 17
A9158	Signing Off—Mentone com. (18½ m.)	Feb. 19
A9707	Monster of the Deep—Merri. No. 7 (21 m.)	Feb. 24
A9708	The Tragic Victory—Merriwell No. 8 (18½ m.)	Mar. 2
A9709	Between Savage Foes—Merriwell No. 9 (19 m.)	Mar. 9

## Vitaphone—One Reel

1401	Flowers for Madame—Mer. Mel. (7½ m.)	Nov. 30
1804	Seein' Stars—Pepper Pot (11 min.)	Nov. 30
1904	Nature's Handiwork—Our Own U.S. (10m.)	Nov. 30
1504	Jack Denny and Orchestra—(10½ min.)	Dec. 7
1806	P's and Cues—Pepper Pot (9 min.)	Dec. 7
1604	Vitaphone Headlines (Vitaphone Tabloid)—Vaudeville (10½ min.)	Dec. 14
1807	Can It Be Done—Pepper Pot (11 min.)	Dec. 21
1905	Odd Occupations—Our Own U.S. (10 m.)	Dec. 28
1702	Plane Dippy—Loony Tunes (8½ m.)	Jan. 4
1605	Vitaphone Troupers—Vaudeville (11 m.)	Jan. 4
1505	Red Nichols and Orchestra—(10 m.)	Jan. 4
1808	Wild Wings—Pepper Pot (9½ m.)	Jan. 11
1402	I Wanna Play House—Mer. Mel. (7 m.)	Jan. 18
1703	Alpine Antics—Looney Tunes	Jan. 18
1906	Steel and Stone—Our Own U. S. (10 m.)	Jan. 25
1606	Vitaphone Celebrities—Vaudeville (11 m.)	Jan. 25
1506	Off the Record—Rolf Orch. (10 m.)	Feb. 1
1704	The Phantom Ship—Looney Tunes (8 m.)	Feb. 1
1810	Some Class—Chas Ahern (11 m.)	Feb. 8
1403	The Cat Came Back—Merrie Mel. (8 m.)	Feb. 8
1607	Vaudeville Unit No. 7	Feb. 15
1907	Markets—Our Own United States	Feb. 22
1809	Timber Giants—Pepper Pot (10 m.)	Feb. 22
1507	Jolly Coburn and Orchestra	Feb. 22
1705	Boom Boom—Looney Tunes	Feb. 29
1608	Vitaphone Spotlight	Mar. 7
1404	Miss Glory—Merry Melody	Mar. 7
1909	Harbor Lights—Our Own U. S.	Mar. 21
1811	The Half Wit-Ness—Radio Ramblers (11m.)	Mar. 21

## Vitaphone—Two Reels

### Beginning of 1935-36 Season

1008	Dublin in Brass—Morton Downey (21 m.)	Sept. 7
1027	Oh Evaline—Hal LeRoy (19 min.)	Sept. 14
1101	Keystone Hotel—Turpin-Sterling (15 m.)	Sept. 21
1020	Doorman's Opera—Bway. Brev. (20 m.)	Sept. 28
1102	Vodka Boatmen—Yacht Club Boys (20 m.)	Oct. 5
1028	Tickets Please—Georgie Price (22½m.)	Oct. 12
1001	Reglar' Kids (Meglin Kids)—Tech. 17½m.	Oct. 19
1103	Lonesome Trailer—El Brendel (18m.)	Oct. 26
1009	Check Your Sombrero—Bway. Brev. (19m.)	Nov. 2
1104	The Officer's Mess—Comedy (21½m.)	Nov. 9
1021	Rooftops of Manhattan—Bway. Brev. 22m.	Nov. 16
1105	Double Exposure—Comedy (21 min.)	Nov. 23
1010	Trouble in Toyland—Bway. Brev. (22m.)	Nov. 30
1002	Okay Jose—Bway. Brev. (18 min.)	Dec. 7
1011	Katz' Pajamas—Bway. Brev. (22 min.)	Dec. 14
1106	The Lucky Swede—Comedy (17 min.)	Dec. 21
1022	Broadway Ballyhoo—B'way Brev. (21 m.)	Dec. 28
1107	While the Cat's Away—comedy (22 m.)	Jan. 4
1003	Carnival Days—Tech. comedy (16 m.)	Jan. 11
1012	Double or Nothing—Phil Harris (21 m.)	Jan. 18
1108	They're Off—Yacht Club Boys (21 m.)	Jan. 18
1029	Study and Understudy (All Girl Revue)—B'way Brevities (22 m.)	Jan. 25
1109	Slide Nellie Slide—Herman Bing (19 m.)	Feb. 1
1013	Between the Lines—Bernice Claire (21 m.)	Feb. 8
1110	Shop Talk—Bob Hope (22 m.)	Feb. 15
1004	King of the Islands—Wini Shaw (18 m.)	Feb. 22
1024	The Stars Can't Be Wrong—Lamour	Feb. 29
1014	Wash Your Step—B'way Brevity	Mar. 7
1111	For the Love of Pete—Comedy	Mar. 11
1015	Irene Bordoni—B'way Brevities	Mar. 21

## NEWSWEEKLY NEW YORK RELEASE DATES

### Universal News

431	Wednesday	Feb. 12
432	Saturday	Feb. 15
433	Wednesday	Feb. 19
434	Saturday	Feb. 22
435	Wednesday	Feb. 26
436	Saturday	Feb. 29
437	Wednesday	Mar. 4
438	Saturday	Mar. 7
439	Wednesday	Mar. 11
440	Saturday	Mar. 14
441	Wednesday	Mar. 18
442	Saturday	Mar. 21
443	Wednesday	Mar. 25
444	Saturday	Mar. 28

### Fox Movietone

43	Wednesday	Feb. 12
44	Saturday	Feb. 15
45	Wednesday	Feb. 19
46	Saturday	Feb. 22
47	Wednesday	Feb. 26
48	Saturday	Feb. 29
49	Wednesday	Mar. 4
50	Saturday	Mar. 7
51	Wednesday	Mar. 11
52	Saturday	Mar. 14
53	Wednesday	Mar. 18
54	Saturday	Mar. 21
55	Wednesday	Mar. 25
56	Saturday	Mar. 28

### Paramount News

56	Wednesday	Feb. 12
57	Saturday	Feb. 15
58	Wednesday	Feb. 19
59	Saturday	Feb. 22
60	Wednesday	Feb. 26
61	Saturday	Feb. 29
62	Wednesday	Mar. 4
63	Saturday	Mar. 7
64	Wednesday	Mar. 11
65	Saturday	Mar. 14
66	Wednesday	Mar. 18
67	Saturday	Mar. 21
68	Wednesday	Mar. 25
69	Saturday	Mar. 28

### Metrotone News

241	Wednesday	Feb. 12
242	Saturday	Feb. 15
243	Wednesday	Feb. 19
244	Saturday	Feb. 22
245	Wednesday	Feb. 26
246	Saturday	Feb. 29
247	Wednesday	Mar. 4
248	Saturday	Mar. 7
249	Wednesday	Mar. 11
250	Saturday	Mar. 14
251	Wednesday	Mar. 18
252	Saturday	Mar. 21
253	Wednesday	Mar. 25
254	Saturday	Mar. 28

### Pathe News

65155	Sat. (O.)	Feb. 1
65256	Wed. (E.)	Feb. 5
65157	Sat. (O.)	Feb. 8
65258	Wed. (E.)	Feb. 12
65159	Sat. (O.)	Feb. 15
65260	Wed. (E.)	Feb. 19
65161	Sat. (O.)	Feb. 22
65262	Wed. (E.)	Feb. 26
65163	Sat. (O.)	Feb. 29
65264	Wed. (E.)	Mar. 4
65165	Sat. (O.)	Mar. 7
65266	Wed. (E.)	Mar. 11
65167	Sat. (O.)	Mar. 14
65268	Wed. (E.)	Mar. 18
65169	Sat. (O.)	Mar. 21
65270	Wed. (E.)	Mar. 25
66171	Sat. (O.)	Mar. 28



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## A REVIEWING SERVICE FREE FROM THE INFLUENCE OF FILM ADVERTISING

Vol. XVIII

SATURDAY, FEBRUARY 22, 1936

No. 8

### The Hays Purity Seal a Symbol of Monopoly

In last week's issue your attention was called to the fact that Will H. Hays and those he represents have broken the promises they gave to the Catholic Bishops to make the seal a means by which the motion picture-going public would recognize, either through the film itself, or through advertisements about it, that a film is free from offensive matter. These promises they broke when they removed the seal from the conspicuous place it occupied and put it on the introductory title of the film in so reduced a size that it is not recognizable to the majority of picture-goers.

Lest any of the readers of this article think that I am in favor of censorship, I wish to state here that such is not the case, for I am opposed to any kind of censorship; I have often stated in these columns that the censor tries to bring what he censors down to the level of his own mentality, and millions of people are of far higher intellectual development and are better judges as to what they should or should not see or read than the censor. What I am trying to prove is that Will H. Hays has seized the opportunity that circumstances have placed in his hands to effect for his employers the monopoly which he was seeking to effect for years.

Mr. Hays is using the purity seal to stifle independent production. By proposing a regulation at the meeting of the board of directors of his association to the effect that no independent film shall be shown in affiliated theatres unless it has been approved by the production code administrator of his association, and by having such regulation approved, he has brought about a condition he was trying to bring about for years.

What would you say, gentlemen, if a situation should ever arise whereby you would be compelled to obtain first the approval of your competitor as to the sort of entertainment you should show to those who attend the performances at your theatre? That is exactly what is happening today when Mr. Hays decrees that the independent men must submit their pictures to his association for approval.

Oh, yes! The argument will be put forward that there must be some agency to have something to say about the filth that may be introduced in independent films, and that the seal is the only means by which such an agency may be established. To begin with, there was very little filth in the independent films in the days when there was the greatest outcry by the churches against filth on the screen. This paper dares any one to challenge this statement; it can easily be proved. There are figures in existence, which may be consulted.

But even if this were not true, what right has Will H. Hays and the producers he represents to institute a censorship that smacks of monopoly? Let us not forget what many learned federal judges said when trying anti-trust cases against major producers and distributors of motion pictures: "Good motive or intentions or benefits to the industry must give way to the law, and if there is an undue restraint of commerce and impairment of fair competitive opportunities, the statute must be applied." Judge Moore, in his charge to the jury in the St. Louis case, stated: "One of the main causes for the enactment of the Sherman Anti-trust Act was to prevent the unreasonable use of vast accumulations of wealth to oppose individuals and injure the public." It is manifest that Mr. Hays and those he represents, by insisting that their own seal of approval be placed upon

articles manufactured by competitors before such articles may be purchased by one of their affiliate organizations, are using "accumulation of wealth" against their competitors.

It is not the business of Will H. Hays or of any one else connected with him to say what independent pictures are moral and what immoral, even though no one has the right to object if such a policy is applied by Mr. Hays on films produced by the members of his association.

Up to last Saturday, there was a feeling in many of us that the seal was employed only for the purpose of effecting a monopoly; but a news item in last Sunday's New York Times brought out the fact that the purity seal is now also in politics: A statement was given out by Mr. Sinclair Lewis, the famous novelist, informing the public that Will H. Hays has banned the production of his novel, "It Can't Happen Here." On the surface, the reason given is that the book is anti-fascist, and that the German and the Italian governments might feel offended by a picture founded on this book. But Mr. Lewis' statement contained also the following:

"Mr. Howard further reports that Mr. Hays told the producers that he didn't know which way the next elections might go, and that he certainly didn't intend to offend the Republicans." (The "Mr. Howard" is Sidney Howard, the famous playwright, who was engaged by Metro-Goldwyn-Mayer to write the screen play for Mr. Lewis' book.)

Thus the Hays purity seal now has two functions: to effect a monopoly and to prevent the production of any picture that might hurt the chances of the Republican party in the next presidential election.

In defending their action of refusing to play an independent picture that lacks the Hays seal, Mr. Hays and those whom he represents may say that the affiliated circuits are separate and distinct corporations, and as such their managers are entitled to take whatever action they see fit; therefore, neither he (Mr. Hays) nor any of the members of his association may be held responsible for the acts of the affiliated managers. A similar assertion was made during the St. Louis trial; but Judge Moore, in clear language—in language that could not be misinterpreted, said in his charge to the jury:

"In this respect, any two corporations may conspire, even though one is a wholly owned subsidiary of the other."

The lessons learned by the industry in the course of the St. Louis trial were many, and valuable: Although the defendants were all acquitted, we all hoped that the conduct of the major producers and their subsidiaries would be such that there would be no occasion again for seeing a similar charge made against them.

Viewing the purity seal in its present surroundings from all angles, we cannot help but wonder whether its continuance, now that it has lost its primary value, and the purpose for which it was adopted, has been forgotten by the seal's parents—whether its continuance is not within the prohibitions contained in Judge Moore's charge. To avoid any unpleasant consequences, the producers should take steps to rescind the prohibition placed on independent films in regard to the seal.



### "Mr. Cohen Takes A Walk" with Paul Graetz

(Warner-Teddington, No Rel. Date Set; time, 79½ min.)

A moderately pleasant program comedy, with human interest; it should appeal mostly to mature people. Although the atmosphere is not distinctly British, it is doubtful for mass appeal in America, for several reasons—the stars are not well known here, the action is somewhat slow, and the romantic interest is incidental. Otherwise it is a simple story, involving sympathetic characters, at times causing tears, and at other times provoking laughter. There is one touching situation; it is where Paul Graetz' wife dies, after taking leave of her family. Graetz is a loveable character; he tries to do something worthwhile to help others:—

Graetz, a middle-aged Jewish department store owner, feels that he is no longer needed in his business because of the efficient manner in which his sons run the store. When his wife dies, he asks his younger son, Mickey Brantford, when he expects to marry Chili Bouchier, the girl his mother had chosen for him. Brantford tells him he loves Meriel Forbes, a girl of the Christian faith. Graetz tries to break up the affair, only to antagonize his son. He decides to take to the road as he had done in the days when he was a poor peddler, and for the first time in many years he is really happy. He meets Kenneth Villiers, a young man out of work, and sends him to his son with a request that he give the young man a job. Villiers meets Miss Bouchier and they fall in love. Graetz is forced to return to his store when he hears that the employees are going out on a strike. He effects a settlement, after which he asserts himself, telling his sons that he will continue to run the business. The two couples marry.

Mary Roberts Rhinehart wrote the story, Brock Williams the screen play, and William Beaudine directed it. Others in the cast are Violet Farebrother, Ralph Truman, and Sam Springson.

Suitable for all. *Class A.*

### "The Prisoner of Shark Island" with Warner Baxter and Gloria Stuart

(20th Century-Fox, Feb. 28; time, 93 min.)

Despite its somber theme, this is a forceful melodrama; it grips the spectator, and holds his attention throughout. John Ford has directed it with skill, especially the scenes that show mob hysteria. Some of the situations are so touching that one cannot hold back tears. One such situation is where Warner Baxter, an innocent victim of the mob, bids his wife goodbye, to go as a prisoner to the penal island. What makes this picture somewhat depressing is the fact that one knows Baxter is innocent; it therefore becomes painful for one to see him suffer untold cruelties and humiliation. The most exciting situation is that in which Baxter is shown escaping from the Island in an ingenious manner, even swimming through shark-infested water; the fact that he is caught and brought back is saddening. Baxter is unusually good in the role of the innocent Doctor Samuel Mudd, who is unable to contend with the hatred and unfair tactics of the Yankees, and suffers thereby. The efforts of Gloria Stuart, his wife, to obtain his freedom are inspiring. There is some comedy relief provoked by Claude Gillingwater.

Dr. Samuel Mudd, a Southern physician, unwittingly becomes involved with John Wilkes Booth, the murderer of Abraham Lincoln. Mudd, not knowing that Booth had killed Lincoln, treats his broken leg. The Yankee soldiers find Booth's boot in Mudd's yard and arrest Mudd as one of the conspirators. Despite his assertions of innocence, mob hysteria wins out, and Mudd is sentenced to life imprisonment and sent to the island of Dry Tortugas. Once there, the Yankee officers vent their hatred on him by beating and ill-treating him. His faithful colored servant, who had become a prison guard to be near him, helps him to escape to the boat which his wife had chartered, and which was anchored near the prison. He is caught, brought back, and thrown into a pit with his servant to die. Yellow fever breaks out and the prison doctor dies. The Commandant (Harry Carey) begs Dr. Mudd's help. He agrees to this, even though he is not promised anything. By working day and night, he saves the men, but becomes ill himself. The officers feel contrite and send a petition to the President pleading for Mudd's release, which is granted. He returns to his home and family.

Nunnally Johnson wrote the screen play from the historical facts in the case. Darryl F. Zanuck produced it. In the cast are Arthur Byron, O. P. Heggie, John McGuire, J. M. Kerrigan, and others.

Aside from the fact that it may be too strong for children, it is suitable for all. *Class A.*

### "The Bohemian Girl" with Stan Laurel and Oliver Hardy

(MGM, Feb. 14; time, 70 min.)

This is a botched-up, burlesqued version of the Balfe operetta, which would be boresome without the Laurel and Hardy gags. They save the picture from complete mediocrity. And at that, there is only one really comical situation; it is where Laurel, in an attempt to fill bottles with wine from a barrel through a rubber tubing, consumes most of the wine himself and becomes drunk. Some well-known music is worked into the story, but it is obvious to the spectator that it is dubbed. The thin plot serves as a framework for the gags of Laurel and Hardy. There is no romantic interest or human appeal:—

Laurel and Hardy, members of a gypsy camp, are dominated completely by Hardy's wife (Mae Busch). Her lover (Antonio Moreno) kidnaps the child of a Count who had mistreated him. They leave the child to be reared by Laurel and Hardy and then run off together with all of Hardy's money and jewels, which he had obtained by stealing. Twelve years pass and they return to the scene of the kidnapping. Through a series of events the young girl comes to the attention of her father, who recognizes her by the family heirloom she wears.

The plot was adapted from the operetta by Michael W. Balfe. James Horne and Charles Rogers directed it, and Hal Roach produced it. In the cast are Thelma Todd, Darla Hood, Jacqueline Wells, and others.

The stealing by Laurel and Hardy is treated in a comedy vein. Exhibitors may, therefore, find it suitable for children and Sundays. *Suitability, Class A.*

### "Here Comes Trouble" with Paul Kelly and Arline Judge

(20th Century-Fox, Feb. 21; time 61½ min.)

Just program fare. But it should appeal to audiences who are not too discriminating about plot defects. It has comedy, and melodramatic action, and it holds the spectator in fair suspense. The comedy is provoked by the antics of Sammy Cohen, a sailor, and his pal, Paul Kelly, who could not resist fighting. The dialogue at times is funny, particularly in the situation where Kelly and Cohen are shown enjoying the luxuries of the ship after they had distinguished themselves by bravery. The closing scenes hold one in suspense; there Kelly is shown being held by the crooks. The romance is developed in the usual manner, with misunderstandings and eventual reconciliation:—

Mona Barrie and Halliwell Hobbes, international jewel thieves, steal a ruby from Gregory Ratoff, a fellow passenger on an ocean liner. Miss Barrie hides it in the lighter she had given Kelly as a gift when he had saved her life during an accident in the engine room. Her intention was to have him call on her when the boat docked, and to take the lighter from him without having him suspect what was happening. Kelly calls as requested and gives her the lighter when she asks him for it on the pretext of having his initials put on it. When she opens it and finds the jewel gone she calls in her gang. In the meantime, Cohen, whose pet monkey had taken the lighter apart and had extracted the jewel from it without Kelly's noticing it, finds the ruby and realizes that Kelly must be in trouble. He, Miss Judge (Kelly's sweetheart), Ratoff, and the police rush to Miss Barrie's home in time to save Kelly and round up the gang.

John Bright and Robert Tasker wrote the story; Robert Ellis, Helen Logan, and Barry Trivers, the screenplay; Lewis Seiler directed it and John Stone produced it. In the cast are Edward Brophy, Andrew Tombes, and others.

Since the picture is treated more as a comedy than a crook melodrama, exhibitors may find it suitable for children and Sundays. *Class A.*



### "It Had To Happen" with George Raft and Rosalind Russell

(20th Century-Fox, Feb. 14; time, 79 min.)

Not even the combination of George Raft and Rosalind Russell can save this from being just ordinary entertainment. It is all talk instead of action. For instance, instead of showing the events leading up to Raft's rise to a position of political power, it is referred to by dialogue, leaving everything to the spectator's imagination. This will prove annoying to many persons. The story is concentrated mostly on Raft's efforts to win over Rosalind Russell, the wife of Alan Dinehart; but this affair is incongruous in that it is difficult for the spectator to believe that a woman of her social standing would fall in love with a man of the type portrayed here by Raft. The closing scenes, in which Arthur Hohl tries to frame Raft, are somewhat exciting.

In the development of the plot, Raft arrives in America with Leo Carrillo, his pal. They both start out digging ditches. Raft comes to the attention of the Mayor when he refuses to permit his car to pass because of dynamiting work being done. The Mayor admires his spirit and engages him for work in his office. From then on Raft's rise is meteoric; he becomes a political power. In an effort to prevent the failure of the bank owned by Dinehart, which would cause a loss to thousands of depositors, Raft enters into an agreement with Dinehart to withhold criminal proceedings if he will deposit the amount of the deficit in the bank. This is worked out; Dinehart goes away for a short time. Miss Russell, his wife, goes out frequently with Raft. She soon realizes she is in love with him, and agrees to ask her husband for a divorce when he returns. Hohl, jealous of Raft's power, brings a charge against him of accepting a bribe from Dinehart. Miss Russell is disappointed in him. But Raft fights the charge and proves his innocence. He then orders Miss Russell to go to Reno to obtain her divorce, and she willingly complies.

Rupert Hughes wrote the story, and Howard Ellis and Kathryn Scola the screen play. Roy Del Ruth directed it and Raymond Griffith was the associate producer. In the cast are Arline Judge, Astrid Allwyn, Andrew Tombes, and others.

Not for children or adolescents. Adult entertainment. *Class B.*

### "You May Be Next" with Lloyd Nolan and Ann Sothern

(Columbia, Feb. 6; time, 65½ min.)

A fair program melodrama. The story is far-fetched but somewhat novel; it holds one in fair suspense because of the constant danger to Lloyd Nolan (hero), who is shown being held a prisoner by a gang of criminals. The theme is somewhat unpleasant, however, because the action is concentrated on the activities of the criminals who, by holding the hero prisoner, are able to continue in their nefarious work unhindered. The closing scenes, in which the gang are shown rounded up, are fairly exciting. The romantic interest is pleasant:—

Douglass Dumbrille accidentally stumbles onto some valuable information when Nolan, a radio technician, employed by a large broadcasting station, tells him that it is possible to establish a secret radio wave that would cause enough static on any one of the radio broadcasts to ruin it. Nolan gets into an argument with the president of his concern when the latter refuses to give Ann Sothern, a singer, whom Nolan loved, an opportunity to sing over the radio; Nolan is discharged. Dumbrille and his gang kidnap Nolan and force him to assist them in setting up the radio wave. They are then able to cause havoc to the various broadcasts. They use Nolan's name in making their demands for large sums of money to desist. The police are helpless. Through a secret message sent out by Nolan to be delivered to his pal, John Arledge, his whereabouts are discovered. The gang are captured, and Nolan proves his innocence. Reinstated in his position, he is able to marry Miss Sothern.

Henry Wales and Ferdinand Rcyher wrote the story, Fred Niblo, Jr., and Ferdinand Reyher the screen play, Albert S. Rogell directed it and Sid Rogell produced it. In the cast are Berton Churchill, Nana Bryant, Robert Middlemass, and others.

Because of the activities of the gangsters it is unsuitable for children or adolescents. Suitable adult entertainment. *Class B.*

### "The Passing of the Third Floor Back" with Conrad Veidt

(Gaumont-British, Dec. 15; running time, 80 min.)

This English picture should have a limited appeal, as far as American audiences are concerned. Although the performances are good, the picture fails to hold one's attention throughout because of defects in the plot development. Nor does its mystic theme have general appeal. Conrad Veidt is impressive in the Christ-like part he portrays, and awakens sympathy by his efforts to help others. At times, one feels as if this is a waste of time because the other characters, whom he is trying to help, are despicable.

In the development of the plot, Veidt, a stranger, engages a room in an English boarding house. He finds out what is troubling each one of the many persons who live there and tries to help them. Frank Cellier, wealthy but of a villainous character, refuses to be dominated by Veidt and opposes each one of his moves. Veidt knows that Cellier is trying to marry Anna Lee, a beautiful young girl, whose parents were willing to sacrifice her for Cellier's wealth, and that Miss Lee was in love with an impoverished young writer. Cellier was trying to seduce Rene Ray, the young maid in the boarding house. By the time Veidt leaves, he makes each one see the light, and helps them to live a happier life. When he is gone, they have a strange feeling that they had been in the presence of a supernal being.

Jerome K. Jerome wrote the story; Michael Hogal and Alma Reville wrote the screen play, and Berthold Viertel directed it. In the cast are John Turnbull, Cathleen Nesbitt, and others.

Unsuitable for children, adolescents, or Sundays. Adult entertainment. *Class B.*

### "Love On A Bet" with Gene Raymond and Wendy Barrie

(RKO, March 6; time, 76½ min.)

A pretty good comedy. The story idea is in itself comical, and it is helped along considerably by sparkling dialogue. Particularly good are the lines given to Helen Broderick, who knows how to make the most of them. It is wholesome, romantic, and gay, and moves at a fairly fast pace; it is the type of entertainment that leaves an audience in a pleasant mood. Some of the gags are old, but they are still funny enough to amuse the average picture-goer. The characters are all pleasant and awaken sympathy; for this reason the spectator remains interested in their problems. The closing scenes are the most exciting:—

Raymond, who had visions of producing a play, resists the pleas of William Collier, Sr., his uncle, to go into the meat packing business with him. He makes a bet with his uncle that he can start out from New York in his underwear, with no money, and reach Los Angeles in ten days wearing a good suit of clothes, with \$100 in his pockets, and engaged to a beautiful girl. If he wins his uncle will give him \$15,000 to produce the play, but if he loses he is to go into the meat packing business. He starts out as ordered, and in a short time is the owner of a suit. He meets Miss Barrie and Miss Broderick, who were driving to Los Angeles, and he talks them into permitting him to go along with them. Miss Barrie tells him she is an impoverished society girl, on her way to Los Angeles to marry a wealthy man she does not love. Raymond soon changes her mind by convincing her that he is the man suitable for her. After many exciting experiences—encounters with crooks, and misunderstandings, they reach Los Angeles in time for Raymond to win his bet. But Miss Barrie tells him he will have to give up his foolish notions about the theatre and go into the meat packing business with his uncle.

Kenneth Earl wrote the story, P. J. Wolfson and Philip G. Epstein the screen play, Leigh Jason directed it, and Lee Marcus is the associate producer. In the cast are Spencer Charters, Walter Johnson, and others.

Suitable for all. *Class A.*



## TENTH PICTURES

### Columbia

For those who have bought the westerns along with the regular features, "You May Be Next," released February 6, is the tenth picture of the second group of ten. For those who have not bought the westerns, the tenth picture of the second group has not yet been set for release—"Hell Ship Morgan," released February 7, is the seventh.

### First National

"The Story of Louis Pasteur," set for release February 22, is the tenth picture of the second group.

### Metro-Goldwyn-Mayer

"The Voice of Bugle Ann," released February 7, is the tenth picture of the second group of ten.

### Paramount

"The Bride Comes Home," released January 3, was the tenth picture of the third group; and "Klondike Annie," set for release February 28, will be the tenth of the fourth group, unless the schedule is modified.

### RKO

"Yellow Dust," set for release March 13, will be the tenth of the second group.

### Twentieth Century-Fox

For those who signed their contracts before the merger and for those who bought both groups after the merger, "Every Saturday Night," released February 7, was the tenth picture of the third group of ten. "A Message to Garcia," set for release April 10, should be the tenth of the fourth group, but the schedule will undoubtedly be modified by that time and some other picture may become the tenth of this group.

For those who did not buy the Zanuck pictures, "Everybody's Old Man," set for release March 27, will be the tenth of the third group, unless the schedule is modified by that time.

### Universal

For those who bought this company's westerns along with its regular features, "Love Before Breakfast," set for release March 2, will be the tenth picture of the second group. For those who did not buy them, the tenth of the second has not yet been set for release, "Dracula's Daughter," set for release April 6, being the seventh.

### Warner Bros. Pictures

"Miss Pacific Fleet," as stated in the January 4 issue, was the tenth picture of the first group. The tenth of the second has not yet been released, "Man Hunt," released February 15, being the fifth.

## LANDLORDS MUST KEEP TENANTS

My bill for the house rent brought me the other day a little handbill that contained the following statement:

"Every so often we get to wishing that we were in some simple business where we weren't so completely enmeshed in the wilderness of legal phraseology.

"For the fundamentals of our business are simple enough. We provide places to live in return for rent; so long as the tenants pay their rent and conduct themselves with an ordinary human regard for the rights of their neighbors, we are happy to have them living and working in our properties.

"Unfortunately, in the whole history of landlord and tenant relationship, there has existed a tiny percentage of cases where disputes have arisen covering various situations. Our legal friends, with their love for exactitude, have endeavored to cover each of these points in the preparation of the agreement under which one man lives in another man's property. The result—page after page of fine type which combine to produce a pretty frightening document.

"But in the long run, we've found that to good tenants there's nothing at which to be alarmed. As landlords, we follow the advice of our lawyers, but as business men, we know that we must keep tenants—not to lose them."

Notice what this landlord firm says: "As landlords, we follow the advice of our lawyers, but as business men, we know that we must keep tenants—not to lose them." Would that the producer-distributors adopted some such slogan: "As renters, we follow the advice of our lawyers; but as business men, we try to help our customers rather than hurt them"! For at present they not only follow the advice of their lawyers, but also try to make things as difficult for their customers as they can. Their organization, presided over by Will H. Hays, does all there is in its power to undermine the reputation of their customers; their selling forces try to exact unbearable terms from them, and the theatre departments of the theatre-owning producer-distributors demand of the exchanges such conditions against their competitors as drive them out of business.

It is a short-sighted policy, this is, as a result of which the number of active theatres has shrunk to a dangerous point, until today Great Britain, with less than one-third the number of theatres, gives often times as much revenue as the theatres of the United States.

The moving picture producers want no competitors. And when they dispose of their competitors, either by buying them out or by making it impossible to conduct their theatres profitably, thus compelling them to shut them down, they will dispose of themselves also.

If they should follow the motto of the aforementioned firm of landlords, they would profit in the end, for under an unhampered trade they would have a greater number of customers to whom they could sell their films.

## FRIEND OF THE COURT—FRIEND OF THE EXHIBITORS

Congressman Benjamin M. Golder, attorney for Perelman, the Philadelphia exhibitor who sued most major producers on the double feature clause in their contracts, has been appointed by the Court as *Amicus Curiae*, or friend of the court, to examine the trade practices of the distributors in Philadelphia for the purpose of finding out whether they have conspired to violate the anti-trust laws or not.

The ability of Congressman Golder to carry out such an investigation fairly and impartially cannot be questioned; the only question is whether the exhibitors will come forward with whatever information they possess to aid him. It is the first time that they have an opportunity to present their grievances to a Federal Court, and if they should fail in their duty they will have no one else but themselves to blame if they should be driven out of business in the near future. The number of unaffiliated theatres is diminishing with each passing year. This year, although the number of theatres has increased slightly, the number of independent theatres has diminished. Many of them have fallen into the hands of the affiliated circuits, while the others into the hands of independent circuit operators.

But the independent chains cannot survive long if the monopolistic practices of the major companies continue; they are sure to be used as a feed to the octopus in the very near future. Every exhibitor in Philadelphia should, therefore, realize how essential it is for them to aid Congressman Golder in the work he has undertaken.

This paper takes this opportunity of assuring Congressman Golder that HARRISON'S REPORTS will do all there is in its power to induce exhibitors to come forward with whatever information they possess as to the methods the big companies are employing to complete their monopoly. Seals, play-date withholding, deliberate raising of prices, favoritism, and other such methods should be eradicated if the independent exhibitors should hope to survive the pressure of the majors. And Congressman Golder has undertaken to ferret out these practices. But the exhibitors must help.

On behalf of the independent exhibitors, HARRISON'S REPORTS congratulates Congressman Golder for his great victory in the double-feature case.



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### THE INTERCHANGE OF WARNER BROS. AND FIRST NATIONAL PICTURES

As I have stated in these columns last year, Warner Bros. has no right to interchange First National with Warner Bros. pictures, unless such a right has been granted to it by a special provision in the contract. No printed clause in the contract form used by either of these two companies grants the distributor such a right.

First National is a separate and distinct corporation and is not part of Warner Bros., even though it is wholly owned by Warner Bros. Pictures. It is just as separate and distinct as is Paramount. Warner Bros. has as much right to give you a Warner Bros. picture instead of a First National as it has to give you a picture released by Paramount, MGM, or any other distributor.

If you accept such an interchange, it is because you desire to maintain friendly relations with the exchange, and not because the exchange has the right to make it.

I have just been informed that Warner Bros. is offering some exhibitors "Petrified Forest," which is this season's picture (No. 904) on last season's contract as No. 810.

This picture did not do so well at the Music Hall, where it played for two weeks. I understand that the first week it took about \$80,000, and the second about \$50,000. Although the reduced receipts were due a great deal to the weather, they were also due to the poor quality of the picture as entertainment. It was produced extremely well, the acting is great—but it is not a pleasing story.

### MGM'S AGREEMENT FOR A SWAP OF PICTURES

Metro-Goldwyn-Mayer is sending out an agreement by which the exhibitor accepts the following eight pictures:

- 651 "The Unguarded Hour," with Loretta Young, Franchot Tone, Rowland Young, and Lewis Stone.
- 652 "Speed," with Madge Evans, Roland Young, Ted Healy, and Chester Morris.
- 653 "Night in Glengyle," (no cast announced).
- 654 "Lady Comes to Town," with Clark Gable and Joan Crawford.
- 655 "Piccadilly Jim," with Robert Taylor and Rosalind Russell.
- 656 "Captain Courageous," the Rudyard Kipling story, with Freddie Bartholomew.
- 657 "His Brother's Wife," with Franchot Tone and Jean Harlow or "a similarly competent co-star," and
- 658 "Love on the Run," with Robert Montgomery and Myrna Loy.

which are taking the place of the following pictures:

- 603 "Forty Days of Musa Dagh,"
- 605 "The Great Ziegfeld,"
- 627 Musical No. 3,
- 634 Joan Crawford No. 2,
- 635 Joan Crawford No. 3,
- 637 Clark Gable No. 2,
- 640 Jean Harlow No. 1,
- 641 Jean Harlow No. 2,
- 642 Jeanette MacDonald No. 1, and
- 647 Grace Moore No. 1.

I have been asked by exhibitors whether they should sign this agreement or not.

Before expressing an opinion, let us make a comparison of the pictures, the cancellation of which is sought with the pictures offered, as to their box office merits:

"Forty Days of Musa Dagh" is not going to be produced, by reason of the fact that the Turkish Government protested to the Department of State at Washington, as I understand, and the Department requested of MGM to abandon production of it so that the Government might not be placed in an embarrassing position. As big a box office attraction as "Musa Dagh" might have proved to be, the attitude of MGM in this matter is commendable. But whether you sign the agreement regarding this picture or not, you cannot hold MGM responsible in case it did not produce it; a special contract provision relieves the distributor of the responsibility in such cases.

"Musa Dagh" may eventually be produced. This, however, is not certain. But if it should ever be produced, it will be in a considerably modified form. And no one can be sure whether the altered version will be in quality as good as the quality of the picture that would have been produced out of the original book.

In reference to "The Great Ziegfeld," this picture, too, can be withheld by MGM on the strength of the Road Show clause, which gives the distributor the right to withdraw any two pictures that have been road-shown. But by a provision in the Road Show clause, you are entitled to reject any one picture for every road show picture withdrawn.

There now remain eight pictures in the group. It contains one Gable, two Crawfords, two Jean Harlows, one Jeanette MacDonald and one Grace Moore. The group offered contains Gable and Crawford in one picture, ("Lady Comes to Town,") Freddie Bartholomew in Rudyard Kipling's "Captain Courageous," one Robert Montgomery, and possibly one Harlow.

"Captain Courageous" is a deeply human story: it deals with the spoiled young son of wealthy parents who, while traveling on a liner, falls overboard and is picked up by the crew of a schooner. Since his story about his being the son of a father who could pay the captain the price of the schooner twice if he would simply take him ashore at once is not believed, he is put to work. When he rebels, he is slapped in the face. In three months he is made into a real man, glad to work. Although there is no romance, the story is checkful of human interest. MGM may work in a love romance.

"A Lady Comes to Town," the Gable-Crawford story, is pretty good, and MGM will, no doubt, improve it greatly—it lends itself to improvement.

I don't know anything about the other stories.

It seems as if the group offered is of somewhat inferior merit to the group the cancellation of which is sought. But in making up your mind whether to sign the agreement or not, you will have to take into consideration other factors besides merit of product offered. In an industry where the value of the article sold is not known until after it is retailed, you cannot help figuring on demanding a readjustment of the prices of pictures for which you paid too much money. If you should refuse to sign the agreement, will you get such readjustments?

Another factor you must take into consideration is the treatment you are receiving from the exchange, for after all this is a factor that counts in this business. If you are treated well, you naturally would want to co-operate with this distributor.

(Continued on last page)



**"The Music Goes Round" with Harry Richman, Rochelle Hudson and Walter Connolly**  
(Columbia, Feb. 28; time, 86 min.)

Just a fair musical comedy. If spectators can overlook the triteness of the plot, they may find a few features to amuse them. Probably the biggest attraction is the song "The Music Goes Round," now famous, and the fact that the composers appear personally and sing it. The number has been treated with originality—by having Harry Richman spot some persons in the audience, who were seeing his show, and by inducing them to sing it. One person is Herman Bing, who sings it in dialect, and the other is Michael Bartlett, the opera singer, who sings it as a classic. The fault with the picture lies in the fact that the story dwells too much on the actions of the showboat people. The burlesqued drama they perform is repeated in so many scenes that it becomes tiresome and loses its comical effect. The story, too, is implausible, for the producers seem to expect the audience to believe that Rochelle Hudson takes what she is doing seriously. One of the best scenes is that which takes place on the showboat, where a contest is held to determine the best dancer in the troupe. Richman has a fair voice, but he is far from being the romantic type he is represented to be in the picture:—

Richman, a musical comedy star, walks out on his new show during rehearsal because of differences with Douglas Dumbrille, the producer. He lands in a small town, where he is not recognized, and obtains a job as a cheap actor on a showboat. He sees possibilities for presenting the troupe in New York and wires Dumbrille to come down. Richman buys a half-interest in Dumbrille's show on condition that the showboat troupe be put into the play as a comedy stunt. Connolly, owner of the showboat, and Miss Hudson, his daughter, are jubilant at what they think is the triumph of their dramatic ability. No one tells them that it is to be treated as comedy. On the opening night, Miss Hudson is heartbroken when she sees the audience laughing heartily at what she is doing, and blames Richman for humiliating her. She goes back to the showboat with her father. Richman, who loved her, follows her and pleads for forgiveness. They finally become reconciled.

Sidney Buchman wrote the story, and Jo Swerling the screen play. Victor Schertzinger directed, and Max Winslow supervised it. In the cast are Lionel Stander, Etienne Girardot, Henry Mollison, and others.

Suitable for all. *Class A.*

**"Follow the Fleet" with Ginger Rogers and Fred Astaire**

(RKO, Feb. 21; running time, 109 min.)

This should go over with the Rogers-Astaire fans, for the dancing and music is as good as that in their previous pictures. The story is a fair romantic comedy; it lags in some spots, and lacks a real comedy punch. But the moment either Miss Rogers or Astaire appear story defects seem to vanish in the excellence of their performances. They both work hard and score in each one of the numbers. Harriet Hilliard, a newcomer to the screen, but known to radio fans because of her appearance with a prominent orchestra over the radio, makes a good impression; she has a pleasant voice and personality. The production is, as usual, lavish. The background is different from that used in the pictures these stars have appeared in heretofore.

The story deals with a double romance—that of Miss Rogers and Astaire, and of Miss Hilliard and Randolph Scott. Miss Rogers and Astaire had been dancing partners but when she refused his marriage proposal he joined the Navy. While on shore leave, Astaire accidentally finds her entertaining in a cheap dance hall, and promises to help her get placed in a Broadway show. Scott, his pal, also a sailor, meets Miss Hilliard, Miss Rogers' sister; they fall in love. All leaves are cancelled and the fleet is ordered to sail. Miss Hilliard decides to get the ship her father had left her overhauled so that when Scott returned from the cruise he might accept its captaincy. But she is disappointed, for when the fleet returns he does not even call on her. The girls are in debt because of the overhauling job, and in order to raise funds they decide to give a show on the ship. Things look bad up until the last moment, because Astaire's shore leave is cancelled. But he escapes and arrives in time to do his part. The show is financially successful. By a clever ruse, Astaire brings Miss Hilliard and Scott together. He and Miss Rogers plan to marry when he is released from the Navy, and to continue in the theatrical field.

The plot was adapted from the play "Shore Leave," by Hubert Osborne. Dwight Taylor and Allan Scott wrote the

screen play, Mark Sandrich directed it, and Pandro S. Berman produced it. In the cast are Astrid Allwyn, Betty Grable, Harry Beresford, and others.

Suitable for all. *Class A.*

**"Yellow Dust" with Richard Dix and Leila Hyams**

(RKO, March 13; running time, 68 min.)

Just a moderately entertaining western. It goes in for too much story detail and romantic interest for a picture of this type and for that reason the action lags. Richard Dix and Leila Hyams both give good performances, and it is to their credit that the picture holds any interest at all. The closing scenes, in which Dix escapes from the villain's gang and saves Miss Hyams, are fairly exciting. The comedy is provoked by Andy Clyde, as Dix's ill-tempered partner. Music has been interpolated in the plot in a plausible manner. The photography in the outdoor shots is good:—

Dix and Clyde strike a gold vein and start out for town to register their claim. While on their way, they save Miss Hyams and her mother, when their coach is held up by road agents. He escorts them to the village, and learns that Miss Hyams was to sing in the cafe owned by Onslow Stevens, the villain. They fall in love. This annoys Stevens, who was charmed by Miss Hyams, too. He frames Dix, who is put in jail. Clyde becomes drunk and gives away the details of the gold strike to Stevens. Miss Hyams overhears Stevens planning to register the strike in his own name. She rushes there before him and registers it in her name. Clyde, believing that she had double-crossed them, helps Dix to escape from jail. Dix is caught by Stevens' gang, but eventually escapes. He proves his innocence and Stevens' guilt; later he marries Miss Hyams, after she explains that she had registered the mine in her name so as to save it for Dix.

The plot was suggested by the play "Mother Lode," by Dan Totheroh and George O'Neil; Cyril Hume and John Twist wrote the screen play, Wallace Fox directed it and Cliff Reid produced it. In the cast are Jesse Ralph, Moroni Olsen, and others.

Suitable for all. *Class A.*

**"Road Gang" with Donald Woods and Kay Linaker**

(First Nat'l, Rel. date not set; time, 61 min.)

A forcible melodrama which, although not as powerful, is slightly reminiscent of "I'm a Fugitive from a Chain Gang." Like that picture, it is an exposure of the brutality existing in Southern prison camps. It should appeal to men who enjoy virile, "meaty" entertainment; women may find it too harrowing and depressing. Since most of the action takes place in the prison camps, showing the squalid surroundings, as well as the bestiality of the guards, it is not pleasant or elevating. Some of the scenes might sicken sensitive people. The situation in which Carlyle Moore, Jr., one of the prisoners, attempts to escape by scaling a wired fence, only to have the guard throw on the electric switch, thus electrocuting him, is one of them. The unpleasant feature is the fact that Donald Woods and Moore, although innocent, are made to suffer at the hands of crooked politicians and are treated worse than criminals. The closing scenes are exciting; they hold one in suspense:—

Woods receives an offer from a Chicago newspaper to write a series of articles exposing the crooked political forces of his Southern state, ruled over by Joseph Crehan. Henry O'Neill, Crehan's partner in crime, and step-father to Kay Linaker, Woods' sweetheart, tries to bribe Woods, but he does not succeed. Consequently, Crehan frames Woods and his pal, Moore, on a grand larceny charge, and later on a murder charge. Miss Linaker engages an eminent lawyer to handle the case for the two men, but Crehan buys him off. The lawyer urges them to enter a plea of guilty, promising them leniency. Instead, they are sent to the road gang for five years. Moore is killed while attempting to escape. Woods is caught trying to send a story out of the prison about the conditions there, and is sent to the mines, where he is treated roughly. Miss Linaker finally goes to Joseph King, editor of the Chicago paper, for help. They appeal to the Attorney General, Crehan's enemy, and finally are able to get Woods out of prison. The crooked politicians are exposed and thrown out of office. Woods is given a job as reporter on King's paper. This enables him to marry Miss Linaker.

Abem Finkel and Harold Buckley wrote the story, Dalton Trumbo the screen play, Louis King directed it, and Bryan Foy produced it. In the cast are Olin Howland, Addison Richards and others.

Too strong for children. Adult entertainment. *Class B.*



**"Love Before Breakfast" with Carole Lombard and Preston Foster***(Universal, March 9; time, 69 min.)*

A fair comedy; it should please romantically inclined young people. There is nothing unusual about the story, which is another modern version of "The Taming of the Shrew." It may have a special appeal for women because of the lavish production and the fact that Miss Lombard wears stunning clothes. The trouble with it is that there is too much talk, and practically no action. It is one continual verbal battle between Miss Lombard, who refuses to be tamed, and Foster, who is intent on subduing her. Some of these battles lead them into comical situations. One amusing situation is that in which Miss Lombard, intent on playing a trick on Foster, introduces him to Joyce Compton, first telling each one that the other is deaf. This naturally causes them to shout at each other until they discover the hoax. The quarreling between Miss Lombard and Foster becomes tiresome after a time; it carries on this note of discord even at the end, while they are being married:—

Foster, desperately in love with Miss Lombard, cannot win her affections because of her attachment to Cesar Romero, to whom she is engaged. Foster buys up the oil company where Romero is employed, and then sends him to China; he tells Miss Lombard what he had done. This angers her and she refuses to see him. He decides to change his tactics, and instead of pursuing her he disregards her. This makes her realize that she loves him, but she makes up her mind not to make her feelings known to him. She finally agrees to marry him, but instead of telling him that she loves him she attributes her change of mind to the fact that he has much money. Foster sends for Romero, telling Miss Lombard that he wants her to make up her mind whom she loves. Out of spite, she breaks her engagement to Foster and continues to see Romero. She knows that it is Foster she loves but she does not admit it until he finally forces her to marry him, after first humiliating her.

The plot was adapted from "Spinster Dinner," by Faith Baldwin. Herbert Fields wrote the screen play. Walter Lang is the director and Edmund Grainger the producer. In the cast are Janet Beecher, Betty Lawford, Don Briggs, and others.

Suitable for all. *Class A.*

**"Woman Trap" with Gertrude Michael and George Murphy***(Paramount, Feb. 14; running time, 62½ min.)*

A pretty good program action melodrama. There are a few exciting melodramatic situations in the second half, where the two different gangster forces vie with each other for supremacy in a kidnap plot. The situations in the desert, where the gangsters, fearing that the water will give out, fight each other for the remaining supply, hold one in suspense. One feels sympathy for Gertrude Michael and George Murphy, whose lives are endangered and who are helpless to protect themselves. There is a novel twist to the plot in that it develops that Akim Tamiroff, one of the gangster leaders, is really a police officer, who, by clever manipulation and bravery, is able to trap the gang. This is a satisfying development because Tamiroff portrayed a likeable character. The romantic interest is subdued:—

Murphy, a newspaper reporter, while on his way from California to Mexico by motor launch, to cover the story of a gangster murder, picks up Miss Michael, whose plane had gone out of commission and was drifting in mid-ocean. He takes her with him to Mexico. Blackmer, the gangster leader responsible for the murder, recognizes Murphy as a reporter, and informs Tamiroff, his partner in crime, of this fact. They purposely become friendly with Miss Michael to get information from her. But when they find out that she is the daughter of a wealthy Senator, they kidnap her and Murphy, and use Murphy's name in demanding a ransom. Miss Michael's father delivers the money as directed. Blackmer tries to double-cross Tamiroff but is unsuccessful. Tamiroff brings them to a hideout. Blackmer's plans are to kill Miss Michael and Murphy. But he is prevented from doing this by Tamiroff, who, it develops, is a police officer. The hideout turns out to be a jail. The money is recovered, along with jewels that Blackmer had stolen. Tamiroff is acclaimed a hero. And Miss Michael and Murphy plan to marry.

Charles Brackett wrote the story, and Brian Marlow and Eugene Walter the screen play. Harold Young directed it, and Harold Hurley produced it. In the cast are Roscoe Karns, Samuel S. Hinds, Dean Jagger, and others.

Because of the murder and kidnapping it is unsuitable for children and Sundays. Good for adults. *Class B.*

**"Trail of the Lonesome Pine" with Sylvia Sidney, Fred MacMurray and Henry Fonda***(Paramount, March 13; running time, 107 min.)*

As it is the first outdoor color picture made, it should draw many curious patrons to the box-office. The photography in the outdoor scenes is so beautiful that at times it takes one's breath away. But the color is detrimental to the actors rather than helpful; occasionally it is so dark that one finds it difficult to identify them; at other times they look either extremely flushed or peculiarly pale. The picture depends mostly on the novelty of the color effects for its entertainment values since the story is the creaky old one of feuds and killings. It should appeal more to men who enjoy outdoor melodramas and vigorous fist fights, and to those who are morbidly inclined because of the number of killings. The scenes in which Spanky MacFarland, a loveable young child, is shown killed and also those in which he is shown buried are heartbreaking. Another touching situation is that in which Henry Fonda dies. The fact that the actions of most of the characters are motivated by hatred and an urge to kill makes it somewhat unpleasant, particularly for sensitive people. There is some comedy, provoked by the behavior of the mountain folk.

The plot revolves around the feud existing between Fred Stone and his family and that of Robert Barrat and his family. MacMurray, an engineer, buys property from both families in order to build a railroad to transport coal. Miss Sidney follows MacMurray's advice about becoming educated and leaves her home to go to the city to live with his sister, who trains her. Barrat and his sons set fire to MacMurray's camp. In one of their rampages they dynamite a steam shovel, killing Spanky, who was playing in it. Miss Sidney returns home and urges the men to start killing the Barrat family. Fonda, out of respect for Beulah Bondi, his aunt, whom he loved dearly, makes peace with Barrat, but is shot by one of his sons as he leaves. He dies, but the families become friends. MacMurray and Miss Sidney marry.

The plot was adapted from the novel by John Fox, Jr., and Grover Jones wrote the screen play. Henry Hathaway is the director and Walter Wanger the producer. In the cast are Nigel Bruce, Fuzzy Knight, and others.

Suitable for all. *Class A.*

**"Hell Ship Morgan" with George Bancroft, Ann Sothern and Victor Jory***(Columbia, Feb. 8; time, 64½ min.)*

A moderately entertaining program melodrama. There is not one new angle in the story; the plot is quite obvious and one loses interest in the outcome. There is some excitement in the scenes showing the ship being battered during a storm at sea. George Bancroft awakens sympathy in his efforts to help others, and also because of his unhappiness when he learns that Ann Sothern, his wife, loves Victor Jory, his best friend. The fact that Bancroft, who deserved their thanks, sacrifices himself for them at the end places both Miss Sothern and Jory in an unpleasant position and makes their romance appear sordid:—

Bancroft, finding Jory drunk and weak from hunger in a waterfront cafe, takes an interest in him and gives him a job aboard his tuna fishing boat. They become good friends. Bancroft meets Miss Sothern, penniless and desperate, and takes her under his wing. He obtains a position for her, and, having fallen in love with her, proposes. Jory, who is grateful to Bancroft, thinking that she was a designing woman, tries to show her up by forcing his attentions on her; but when she resists him he realizes he had made a mistake. Miss Sothern marries Bancroft, but once aboard ship she knows that she does not love him; instead she is madly in love with Jory. George Regas, one of the fishermen, discovers Jory kissing Miss Sothern, and, as a price for his silence, demands a pearl Bancroft had given her. Bancroft finds the pearl and accuses Regas of stealing it. In order to defend himself, he tells Bancroft the truth. He is furious. A violent storm breaks the bowsprit, and Bancroft orders Jory to go over the side to cut it loose. Jory is injured and Bancroft jumps in to save him. He rescues Jory, but is injured himself; his back is broken. Realizing that he would be in the way of the lovers, he throws himself overboard and is drowned. Miss Sothern and Jory are heartbroken.

Harold Shumate wrote the story and screen play; D. Ross Lederman directed it, and Irving Briskin produced it. In the cast are Howard Hickman, Ralph Byrd, and others.

Not for children or Sundays. Adult entertainment. *Class B.*



Still another factor should be the quality of the pictures MGM is delivering: no one can deny that it is delivering the best box office pictures in the business.

MGM is sending out also a Rider by which it seeks to have the exhibitors grant it the right to add to the number of percentage pictures in the 1935-36 contract whatever number of percentage pictures it failed to designate in the 1934-35 season. This, too, is slightly to the advantage of the distributor if the full number of pictures for the 1934-35 season should not be delivered. But in making up your mind whether to sign this Rider or not you will have to be prompted by the same considerations.

I have inquired as to the motives back of the move in the picture swap, and have found out that MGM is trying to catch up in its picture deliveries. It has been lagging behind for several years now, and since, as I have been informed, it cannot deliver the pictures it seeks to cancel within the time limit of the 1934-35 contract, it is making this offer, because it can deliver the new eight pictures along with the full number it has sold in the current season.

### **"THE MUSIC GOES 'ROUND" NOT A FRANK CAPRA PRODUCTION**

According to an exhibitor, Columbia has notified him that it is going to deliver "The Music Goes 'Round" as a Frank Capra production, on the ground that it has been supervised by Frank Capra.

Mr. Capra has had nothing to do with the production of "The Music Goes 'Round" and, in the opinion of this paper, no exhibitor is under an obligation to accept it as a Frank Capra production.

Incidentally, this picture is being played this week by the Capitol Theatre, a Metro-Goldwyn-Mayer house. At the same time, the Paramount is playing Walter Wanger's "The Trail of the Lonesome Pine," in natural colors, and the Music Hall, "Follow the Fleet," the RKO picture with Fred Astaire and Ginger Rogers. On Saturday afternoon, Washington's Birthday, the line at the Music Hall was six deep, and at the Paramount there were long lines. But there was hardly any activity at the Capitol—no lines, at least.

### **ABOUT THE QUESTIONNAIRE FOR CONTRACT TERMS**

If you want a free copy of the Digest of contract terms on features, you had better send in your Questionnaire.

If you intend to fill in the Questionnaire on contract terms for features, I wish you send it back as soon as possible. In a very short time I am going to compile the information and any Questionnaires received after the compilation is made will not be taken into consideration.

Be sure to fill in also the green sheet, for without that sheet the information is not complete, and I am compelled to write back for that sheet.

The Digest this time is going to be much more informative than last year's.

If you have not received a set, or if you want additional sets for other theatres you may own, ask for them.

### **SOAK THE RICH**

About two years ago, Ben Hecht and Charles MacArthur were engaged by the MGM studios to do some writing.

A short time after they reached Hollywood they gave out a statement to the effect that Hollywood was cramping their style, finding fault with this, that, and the other individuals connected with production, and implying that, of the producers in Hollywood, none had much underneath the hat.

They came East and, closing a contract with Paramount, began producing.

The first picture they produced was "Crime Without Passion"; it was an artistic flop. The second was the Savo picture, which was so bad that Paramount did not release it and will never have the nerve to release it. The third was "The Scoundrel," another artistic flop, worse than "Crime Without Passion." They have now come along with another flop—"Soak the Rich," which is so bad that they should be locked up in a room and be made to look at it on the screen over and over again for a whole day, as punishment.

If any person or group of persons has ever been soaking the rich of the motion picture industry it has been Ben Hecht and Charles MacArthur. The pity of it is that the rich seem, in this instance, to want to be soaked, except that they are not the only ones who pay; the exhibitors who buy the Paramount pictures are soaked the worst.

But such are the ways of the motion picture industry.

Will some one, some day, tell these two writers that they had better confine themselves to theatrical as well as to newspaper work, leaving motion pictures alone? They seem to know nothing about making pictures and the industry cannot afford to waste any more money teaching them!

### **THE HEARING ON THE NEELY-PETTENGILL BILL**

The hearing on the Neely-Pettengill Bill by a sub-committee of the Senate Committee on Interstate Commerce was to be held on Thursday, February 27.

Mr. Abram Myers, General Counsel of the Allied States Association of Motion Picture Exhibitors and Chairman of the Board of Directors, informed this office that he would try to have the sub-committee of the House Committee on Interstate and Foreign Commerce hold its hearing on the same date, so that the witnesses who would have gone to Washington to speak in favor of the Bill might not be compelled to make two trips for the same purpose.

From all information available, the chances for a favorable report on this Bill are excellent. As a matter of fact, the chances for its becoming a law are unusually bright, for the Bill is receiving great support from civic, religious, fraternal, and other organizations.

This does not mean that the producers have gone to sleep, for they have not; they are still employing their old tactics to prevent its passage.

One of these tactics is to employ would-be independent exhibitor leaders for propaganda purposes. One of such leaders is Ed. Kuykendall, president of Motion Picture Theatre Owners of America. Every one of you knows by this time, I am sure, that M. P. T. O. A., the organization of which Ed. Kuykendall is president, is supported by producer money, for the money it receives as dues from independent exhibitors—the few misguided ones that belong to it, is not enough, in my belief, to pay Ed.'s expenses for the trips he is taking throughout the country to impress legislators as well as independent exhibitors that the independent theatre owners are opposed to the Pettengill Bill.

But despite the activities of Ed. Kuykendall and other such exhibitor leaders, the chances of the Bill are bright. This fact, however, should not lull you to sleep; you must work as hard as ever until the Bill finally becomes a law.

The Allied State leaders deserve the thanks of all the independent theatre owners for their untiring efforts on behalf of this Bill. With its enactment into a law, the first serious step toward freeing the motion picture industry from the monopolistic domination of the major companies will have been made. Other steps are to follow, I am sure.

I don't know how much good it will do now if I were to give you the composition of the two sub-committees, but I am giving it just the same; it is possible that some of you know one or two of these members and you may be able to use your influence with them:

#### **The Senate Sub-Committee**

Hon. M. N. Neely (Dem., W. Va.) Chairman  
Hon. Alben H. Barkley (Dem., Ky.)  
Hon. Jesse H. Metcalf (Rep., R. I.)  
Hon. James J. Davis (Rep., Penna.)  
Hon. Elmer A. Benson (Farm-Labor, Minn.)

#### **The House Sub-Committee**

Hon. Samuel B. Pettengill (Dem., Ind.)  
Hon. George G. Sadowski (Dem., Mich.)  
Hon. Theodore A. Peyser (Dem., N. Y.)  
Hon. John G. Cooper (Rep., Ohio)  
Hon. Charles A. Wolverton (Rep., N. J.)

If you should receive this issue in time to enable you to communicate with any of them, either by telephone or telegraph, do so by all means.



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### YOUR LAST STAND!

You have, no doubt, learned, either through the trade papers or the daily press, that on February 25, the United States Government brought an Equity suit in the District Court for the Southern District of New York against the film companies that were involved in the St. Louis case and against many individuals who either were or are connected with those companies.

The purpose for which the Government has brought this suit may be gathered from the statement to the Court in St. Louis, made by Assistant Attorney-General Russell Hardy, at the time he asked for a dismissal of that suit without prejudice. Mr. Hardy had realized that, with the exclusion of important testimony on legal grounds, the case of the Government had been weakened and, when on the morning of January 29, the court had reconvened, he had made a motion that the case be dismissed without prejudice.

"If the Court please," said Mr. Hardy, "after earnest and careful and mature consideration of the rulings of the Court on yesterday, I wish to state in the greatest deference to the Court, and in the greatest respect for your Honor, that we feel that adequate and complete exposition of the facts in this case requires that many individuals who have been actors in this conspiracy must be made defendants in this case, and we therefore move the Court to dismiss this case, to permit the Government to withdraw the petition and dismiss this case without prejudice of any further action or proceeding against the same and other parties. We wish to file this motion."

Up to that time the defendants' attorneys had fought hard to exclude testimony of witnesses who were not defendants in the case. When the motion to dismiss had been made, these attorneys were so taken by surprise that, through Mr. Wood, one of the counsel, they offered to make these witnesses parties-defendant to the suit, and to produce them in court, so that the case might proceed. "We are authorized," Mr. Wood said partly, "if the Government desires to make those individuals defendants, to enter their appearances here and now, in order that this case may proceed, as we think it should. If in addition to those individuals who were defendants in the criminal case the Government thinks other individuals should be made parties-defendant, and will advise us who they are, we will be able promptly to say whether we can enter their appearance or not."

Mr. Hardy, however, rejected the offer on behalf of the Government, with the following important remarks:

"If the Court please, I regret to say that that offer would not meet the situation with which the Government finds itself confronted. We had hoped to establish by this case a finding which would go far to bringing to an end a long continuing oppressive and coercive action which has been committed by the large companies in this industry, on hundreds and hundreds of smaller and more moderate sized factors in the business, as a result of which they have been steadily and are to-day being driven from this business. We thought that the great public interest would be served by this case, but we find that this situation here is merely a small segment of a great generic conspiracy, whereby not only these defendants in court here to-day, but others like them in this same business have been guilty of these practices. This was merely a very conspicuous example of the typical action which they are engaged in to-day, and which they have been committing largely during the last decade. Even since we began to try this case, this segment of that great generic conspiracy has been ex-

tended to an attack upon the particular victims here, to every place where they do business in the country, and we find that under the rulings of the Court and the pleadings as they stand, we are unable to make a proper and complete and adequate exposition of that situation, in order that adequate and sufficient relief may be forthcoming. Even in this very case I think we find that in this particular segment of this conspiracy there are at least forty or more individual actors, who would have to be made defendants in this particular case, but, as I say, even that wouldn't meet the situation of great public interest which I think it is the determination of the Government to deal with and bring to an end, if it can be done under the law."

Thus you see the reasons which are prompting the United States Government to continue this suit with greater vigor than ever.

Never in the history of the motion picture industry has the Government shown a greater determination to put an end to abusive and coercive practices in it; nor has it ever committed its case to a person of greater sincerity and uprightness than Mr. Russell Hardy, the Assistant U. S. Attorney-General. When one sees Mr. Hardy proceeding along the lines of his duty against such colossuses as the film company defendants in this case, with so much sincerity and determination, one cannot help renewing faith in the democratic form of government.

The theatre-owning producers have not abandoned their old tactics of seeking to drive the independent exhibitors out of business. When prosperity was at its height and they felt that by owning a large number of theatres their future was assured, because they would be in a position to take out of their theatres not only the negative cost of their films but a profit besides, they proceeded to acquire a large number of theatres, by methods best known to yourselves. When in 1929, the prosperity bubble burst and they found themselves losing huge sums of money from their theatre holdings, they did not hesitate to abandon a large number of their theatres. They just walked out on their leases, regardless of contractual obligations. Bankruptcies, receiverships, and reorganizations proved convenient methods of wiping out leases that were no longer profitable. The owners of the abandoned theatres were compelled either to operate them themselves or to lease them to other persons. By writing down losses, the owners of these theatres were able to reduce the rentals to such an extent that the theatres could be operated at a profit. Now come those who had abandoned those theatres and, by employing the same old strong-arm methods, try to take them back, on the same terms as they are presently being either operated or leased. And to effect their object, they are holding film back from these theatres.

This is one of the practices that the Government is bent upon uprooting.

The greed of these companies is not confined only to such theatres; they are coveting all independent theatres that show a profit. And unless their hand is stayed, these greedy companies will, in a very short time, gain possession of the most profitable of the independent theatres.

The Government is now fighting your battle. It is fighting earnestly and with resolute determination. What are you, the independent theatre owner, doing? Have you come forward with whatever information you possess to aid those who are trying to aid you? Have you offered to testify for the Government? So far I

(Continued on last page)



### "The Garden Murder Case" with Edmund Lowe and Virginia Bruce

(MGM, Feb. 28; running time, 60 min.)

This murder mystery melodrama is good program entertainment. Without resorting to eerie effects, it grips the spectator and holds his attention throughout because of the mystifying plot and the fact that the identity of the murderer is not made known until the end. The plot is somewhat ingenious and the manner in which it is solved is both clever and logical. The situation in which Edmund Lowe, the detective, traps H. B. Warner, the guilty man, is exciting, for the audience is led to believe that Warner has Lowe under a hypnotic spell and will send him to his death. The comedy relief is pretty good. The romance between Lowe and Virginia Bruce is made an incidental part of the plot:—

Miss Bruce, niece of Gene Lockhart, a wealthy, cruel man, openly shows her contempt for him. Things begin to happen when Douglas Walton, presumably in a trance, tells a group of friends that he must break his neck while riding in a steeplechase; and that is what happens. Lockhart is murdered, suspicion falling on Miss Bruce. Lowe, who had fallen in love with her, hopes to prove her innocence. She is seen following Frieda Inescourt, Warner's wife, who, while on her way to the District Attorney's office to give important information about the murder, falls off the top of a bus just as Miss Bruce follows her to the top. Miss Inescourt dies. Lowe finally solves the case by proving that Warner, who had been jealous of his wife's affair with Walton, had hypnotized Walton, sending him to his death. Miss Inescourt, suspecting what had happened, and mistaking Lockhart for her husband, had killed Lockhart. Warner had then hypnotized her, and sent her to her death. Lowe is able to prove his case by trapping Warner into hypnotizing him.

S. S. Van Dine wrote the story, Bertram Millhauser the screen play, Edwin L. Marin directed it, and Lucien Hubbard and Ned Marin produced it. In the cast are Benita Hume, Nat Pendleton, Kent Smith, Jessie Ralph, and others.

Not suitable for children or Sundays. Good for adults. *Class B.*

### "Preview Murder Mystery" with Reginald Denny and Frances Drake

(Paramount, Feb. 28; time, 60 min.)

A good murder mystery melodrama. The producers have resorted with success to all the old "gags" to create the eerie atmosphere—mysterious openings of doors and windows, shadows, screams, and sudden deaths. And the background of the movie studio, with all the wierd sets and darkened stages, lends itself perfectly to a story of this type. The spectator's attention is held to the end because of the complexity of the plot and of the fact that several persons are suspected. The action is fast; there is something exciting happening every minute. Several of the situations are thrilling. The situation in the closing scenes, where the murderer is trapped, is the most thrilling. Romance and comedy are worked into the plot, but they are incidental:—

Rod LaRocque, a motion picture star, receives letters warning him that he will not live to see the preview of his latest picture. He goes to the preview surrounded by a squad of detectives for protection. But when the lights go on he is found to be dead, from poisoning. Gail Patrick, his leading lady, and Ian Keith, her husband, director of the picture, receive threatening notes, too. Keith is the next one to be murdered; also Spencer Charters, a watchman, who got in the way of the murderer. The murderer is unsuccessful in his attempts to kill Miss Patrick. The next threatening note is sent to the producer, to the effect that the studio would be blown up that night. Reginald Denny, the publicity director, finally solves the mystery by discovering that the murderer is Conway Tearle, a former star, who was thought to be dead. He resented the fact that a remake was being made of the picture that he had once made famous. He hated Keith because he had ruined his career and had then married his wife, Miss Patrick. Tearle is killed trying to escape.

Garnett Wilson wrote the story, and Brian Marlow and Robert Yost the screen play. Robert Florey directed it and Harold Hurley produced it. In the cast are Thomas Jackson, George Barbier, Jack Raymond, and others.

Not for children or Sundays. Good for adults. *Class B.*

### "Desire" with Marlene Dietrich and Gary Cooper

(Paramount, Feb. 28; time, 94 min.)

A sophisticated crook comedy-melodrama; it will appeal more to class audiences than to the masses. There is nothing wrong with the acting or with the production, which is lavish; Miss Dietrich looks even more glamorous than ever. But it goes in for too much subtle humor and dialogue and forgets all about action. A portion of the first half, which is devoted to Miss Dietrich's activities as a jewel thief, is clever and exciting, although demoralizing; and up until the time that she becomes acquainted with Gary Cooper the action continues at a pretty fast pace, combining thrills with laughs. But the second half, which is devoted to the sex angle, is tiresome and slow-moving. Miss Dietrich is an unsympathetic character because of her profession. Her reformation in the end, however, makes the audience feel more kindly towards her. Cooper is a likeable character; one feels sympathy for him throughout. The situation in which he outwits John Halliday, Miss Dietrich's accomplice, is quite exciting. The romance is developed logically and culminates in a manner to please the audience:—

By clever deception, Miss Dietrich steals a valuable string of pearls from a Parisian jeweler. While travelling by automobile to Spain, where she was to meet Halliday, her accomplice, she meets Cooper, who falls in love with her. When she arrives at the border for customs inspection, she slips the necklace into Cooper's pocket, hoping to take it back as soon as they leave. But this is not as simple as she had imagined, and she is forced to invite Cooper to her home in Spain so as to recover the necklace without making him suspicious. Halliday finally accomplishes this and leaves with the purpose of selling the necklace. While he is gone Miss Dietrich and Cooper become intimate and she falls madly in love with him. She confesses everything to him. By a clever ruse, Cooper gets the necklace back from Halliday and with Miss Dietrich brings it back to the jeweler. She is put on parole, and leaves for America with Cooper as her husband.

Hans Ssekely and R. A. Stemmle wrote the story, and Edwin Justus Mayer, Waldemar Young and Samuel Hofenstein the screen play. Frank Borzage directed it and Ernst Lubitsch produced. In the cast are William Frawley, Ernest Cossart, Alan Mowbray, and others.

Unsuitable for children, adolescents, or Sundays. Adult entertainment. *Class B.*

### "The Leathernecks Have Landed" with Lew Ayres and Isabel Jewell

(Republic, Feb. 22; time, 67 min.)

A pretty good action melodrama. It is a little slow in getting started, but once it finishes establishing the different characters it becomes exciting and holds one's attention to the end. It differs somewhat from other naval pictures in that it does not go into a detailed account of the life of the Marines; instead it concentrates on action in which the Marines take part. The closing scenes, where the Marines fight the Chinese rebels, are exciting. There is pathos in the situation where Maynard Holmes, a Marine, dies from a gun wound he had received while protecting Lew Ayres, his pal. A romance between Ayres and Isabel Jewell is woven into the plot, but it is never fully established. There is some comedy in the first half, which is provoked by the trouble Ayres and his pals get themselves into:—

Ayres, a Marine, cannot resist a fight. While on shore leave in Shanghai with Holmes, his pal, he gets into an argument with J. Carrol Naish. Naish draws a gun and Holmes steps in and receives the bullet; he dies. Ayres is court martialled and discharged from the navy dishonorably. He remains in Shanghai, where he is befriended by Miss Jewell, an American of questionable standing. He finds Naish, and in a fight that follows he accidentally kills him. He accepts a job with James Burke to run guns into the interior for delivery to the Rebels. An American concern in the interior sends for the Marines for protection. Ayres naturally turns against the Rebels when the fighting starts and by his bravery brings about a victory for the Marines. He is reinstated in the Navy.

Wellyn Totman and James Gruen wrote the story; Seton I. Miller the screen play. Howard Bretherton directed it and Ken Goldsmith supervised. In the cast are Jimmy Ellison, Clay Clement, Ward Bond, Paul Porcasi, and others.

Suitable for all. *Class A.*



**"The Walking Dead" with Marguerite Churchill, Boris Karloff and Ricardo Cortez**

(Warner Bros., March 14; time, 65 min.)

Just a moderately engrossing horror melodrama. It certainly is not as horrifying as its title indicates, nor is it up to the standard of thrillers that audiences expect to see Karloff in. Most of it revolves around gangster-killers, whose cruel and sadistic actions are extremely demoralizing. The trouble is that the story has not been developed properly and too much is left to one's imagination. For this reason some of the situations appear to be so far-fetched that they are ridiculous. The closing scenes are the most exciting; there Karloff, in an eerie fashion, brings about the death of the criminals who had conspired against him. Karloff's performance is good; he awakens the spectator's sympathy because of the misery the gangsters cause him. There is a slight romantic interest, offering pleasant relief:

Ricardo Cortez, a crooked lawyer, and his gangster clients carry out their plan to kill a Judge who had sentenced one of their gang to prison. They arrange matters so that Karloff, an ex-convict, is arrested; and since the evidence had been framed against him he is convicted and sentenced to die in the electric chair. Miss Churchill and Warren Hull, her doctor fiancé, had been witnesses to the murder. Although they knew Karloff was innocent they were too terrified to testify in his behalf because of threatening messages they had received. They confess at the last moment, but too late—Karloff is electrocuted. Edmund Gwenn, the scientist with whom Hull was working, brings Karloff back to life by scientific means. He is not completely normal, for he cannot remember anything that had happened to him prior to his electrocution. Nevertheless he senses who his enemies are and by terrifying them sends each conspirator to his death. Karloff dies, too, shot by Cortez.

Ewart Adamson and Joseph Fields wrote the story, and Mr. Adamson, Peter Milne, Robert Andrews and Lillie Hayward the screen play. Michael Curtiz directed it, and Lou Edelman supervised. In the cast are Barton MacLane, Henry O'Neill, Addison Richards, and others.

Unsuitable for children, adolescents, or Sundays. Adult entertainment. *Class B.*

**"Don't Get Personal" with Sally Eilers, James Dunn and Pinky Tomlin**

(Universal, Feb. 17; running time, 65 min.)

Just a moderately amusing program comedy. An attempt has been made by the producers to imitate "It Happened One Night," but with feeble results. The bickering between Sally Eilers and James Dunn, who love each other, wears on one's nerves; and this keeps up until the very end. Pinky Tomlin sings a few songs of the popular variety, which come as a pleasant relief. He and Spencer Charters provoke some laughs by their attempts to bring about a reconciliation between Miss Eilers and Dunn. There are no novel twists in the plot; it unfolds in a manner expected by the audience:—

Dunn and Tomlin, two college graduates stranded in New York, auction themselves and their car off to the highest bidder. Miss Eilers bids five dollars and asks them to take her home; they are shocked when she tells them she lives in Ohio. They have many experiences on the road. Tomlin and Miss Eilers become friends but Dunn refuses to talk to her; his conversation with her is limited to insults. They finally arrive in Ohio. Dunn and Tomlin are surprised to find that Miss Eilers had told them the truth about her being the daughter of a wealthy man. But this does not change Dunn's attitude towards her. To spite him, she decides to marry George Meeker. Dunn steals her away from the house on the night of the marriage; and she is happy because she loved him.

William Thiele and Edmund Hartmann wrote the story and George Waggner the screen play. William Nigh directed it and David Diamond produced it. In the cast are Doris Lloyd, George Cleveland, and others.

Suitable for all. *Class A.*

**"The Country Doctor" with the Dionne Quintuplets, Jean Hersholt and Dorothy Peterson**

(20th Century-Fox, March 6; time, 94 min.)

Great entertainment; it has deep human appeal, comedy, and pathos. In presenting the story of the self-sacrificing doctor, and the highlights in the birth and development of

the Dionne Quintuplets, the producers have wisely refrained from inserting any false dramatic situations. It is really the simplicity of the plot that will appeal to the masses. Even without the Dionne Quintuplets it would be good entertainment, but with them it is a "knockout." The situation in which Jean Hersholt, the country doctor, brings the Quintuplets into the world, is something that people will not forget for a long time. Even though the audience knows what is going to happen, they cannot help being thrilled. And the comedy touches, both in dialogue and action, are so good that they keep the spectator laughing heartily throughout. The situation towards the end, which shows Hersholt and Dorothy Peterson, his nurse, playing with the Quintuplets, is perfect because no one tries to act; they play with the children in a natural manner, allowing them to do just what they please. There is a pleasant romantic interest, but it is incidental:—

Hersholt takes care of the people of a small community in the Canadian woods, controlled by a lumber concern, for just a bare existence. He works at a great disadvantage because he has no hospital and very few supplies. After fighting through a diphtheria epidemic, he goes to Montreal to plead with the company head to give him a small hospital, but is refused. He returns to his home to find that he had been replaced by a salaried company doctor. The people fear to be seen talking to him, lest they lose their jobs. John Qualen, who was accustomed to having Hersholt attend his wife each year at the birth of another child, begs Hersholt's assistance. But Slim Summerville, the constable, warns Hersholt, that, since he had never bothered to get a license to practice, he would arrest him if he took care of Qualen's wife. He goes along with Hersholt any way and assists him in the difficult task of bringing the Quintuplets into the world. This brings Hersholt fame and the thing he wanted most—a hospital to work in.

Charles E. Blake wrote the story, Sonya Levien the screen play, Henry King directed it. Darryl F. Zanuck and Nunnally Johnson produced it. In the cast are Michael Whalen, June Lang, and others.

Suitable for all. *Class A.*

**"Wife Versus Secretary" with Clark Gable, Myrna Loy and Jean Harlow**

(MGM, Feb. 28; time, 87 min.)

An excellent box-office attraction. The three stars are probably enough to bring patrons to the theatre. And for the most part it will please spectators, particularly women, because of its romantic quality, its air of gaiety, and the lavish production given to it. Jean Harlow's part is a subdued one and quite different from what she has done heretofore. She, Mr. Gable, and Miss Loy give good performances, and since the story is centered completely around them, it is to their credit that one's attention is held to the end, for the plot is neither exciting nor novel. But it has most of the ingredients for mass appeal—romance, human interest, and comedy. And the actions of the characters are such as to awaken the spectator's sympathy:

Gable, a millionaire publisher, and Miss Loy, his wife, are madly in love with each other. May Robson, Gable's mother, tries to induce Miss Loy to demand that Gable discharge Miss Harlow, his secretary, because she felt she was too pretty. But Miss Loy feels so sure of Gable that she refuses to become a victim of jealousy. When her friends begin to talk, she asks Gable to transfer Miss Harlow to another department, but he refuses. They quarrel but become reconciled. He is forced to go to Havana on an important business trip, refusing to take Miss Loy along. He asks Miss Harlow, who had telephoned to him on a business matter, to fly down and bring with her papers that he needed to close a deal. He becomes so involved in business that he neglects to call Miss Loy. She calls him at two o'clock in the morning and when Miss Harlow, who had been working in his room, answers the telephone, she suspects the worst. She refuses to listen to Gable's explanations when he returns, and decides to obtain a divorce. But Miss Harlow convinces her that she is wrong and brings about a reconciliation between her and Gable. She then decides to forget her romantic dreams about Gable and marry James Stewart, who loved her.

The plot was adapted from the magazine story by Faith Baldwin. Norman Krasna, Alice Duer Miller and John Lee Mahin wrote the screen play. Clarence Brown was the director and Hunt Stromberg the producer. In the cast are George Barbier, Hobart Cavanaugh, and others.

There is nothing immoral in the plot, but it is rather sophisticated for children. More suitable for adults. *Class B.*



have noticed that only one exhibitor has come forward, willing to risk much in order that he may gain freedom to do business, and security for the future. Are there no other exhibitors willing to fight for their right to do business?

Many of you have been writing to me complaining about the coercive tactics the distributors have been employing against you, either because they owned theatres, or because they were forced to take such an attitude by theatre-owning distributors, but I was unable to offer any relief to you. The person to whom you should now send such complaints, submitting to him whatever helpful information you possess, is Mr. Russell Hardy, Assistant Attorney-General; he may be reached at the Department of Justice, in Washington, D. C.

This is your last stand! If the Government loses this case, dark is your future; you will be compelled either to give up your theatre, a total loss, or to hand it over to an affiliated circuit for a mere pittance.

Write, telegraph, or telephone to Mr. Hardy that you wish to testify in this suit on behalf of the Government. The United States Government is offering to help you; but the only way that it can help you is for you either to take the stand for the Government or to furnish its attorneys with whatever documentary evidence you possess, so that the existence of the unfair practices of the producers and of their subsidiaries may be proved to the court beyond the possibility of any doubt.

### THE HEARING ON THE NEELY-PETTENGILL BILL

The hearing on the Neely-Pettengill Bill by a sub-committee of the Interstate Committee of the Senate was heard on Thursday and Friday, of last week.

Of the representatives of Allied States Association, the following appeared as witnesses:

**ABRAM F. MYERS:** Mr. Myers dealt with the technical as well as the economic aspects of the Bill. He proved that the Bill will not prove destructive if it should be enacted into a law, that the additional play-dates and the extended runs on the meritorious pictures will more than offset whatever extra cost the distributors may incur, that blind-selling is a dishonest cloak behind which the producers hide substitutions, juggling of price, allocations and many other practices. He made also some observations on the law.

**NATHAN YAMINS:** Mr. Yamins, who is now president of Allied, dealt with compulsory block-booking and blind-selling from knowledge, having been an exhibitor for many years, operating many theatres. He cited instances that showed the actual effect of the prevailing selling system. Mr. Yamins' testimony threw consternation into the ranks of the opponents and that accounts for the desperation of some of the representatives of the producers, who made an effort to offset his testimony.

**SIDNEY SAMUELSON:** Mr. Samuelson traced the evolution of the contract, going back to its early days, when there was a fifty per cent cancellation clause on the star series, through the period when the titles and descriptive matter were printed in the schedule, down to the present day contracts, where the only thing mentioned is the prices an exhibitor is called upon to pay. He presented to the committee also announcement books, showing how little information they contain as to what the pictures that will be delivered will be.

**H. M. RICHEY:** Mr. Richey dealt with the effect of the practices on the relation of the exhibitors with their patrons, covering the campaigns of the Legion of Decency and the refusal of the distributors to cancel pictures that had been declared unfit to be shown to decent people. He put into the record correspondence of actual cases. He was very effective.

**WALTER LITTLEFIELD:** Mr. Littlefield dealt with the problems of the exhibitor in his effort to meet the requirements of his patrons. To the statement of Pettijohn that the producers cannot help it if the Mae West pictures draw the public, he stated that he himself showed the pictures, but afterwards he had to admit to his patrons that he had made a mistake and apologized to them.

On the opponents' side, the following spoke:

**C. C. PETTIJOHN:** Pettijohn made his usual statement—that the exhibitors are interested only in box office receipts, but he failed to distinguish between producer-controlled exhibitors and independents. He called the attention of the committee to the fact that the exhibitors canceled George Arliss pictures and gave repeat runs to the Mae West pictures. But he failed to call the attention of the committee that the exhibitors did not produce the Mae West pictures, but members of the Hays association. He spoke about the tremendous investment of the producers but said nothing about the "tremendous investment" of the exhibitors and the obligation they have towards their patrons. He stated also that he would put into the record the names of about thirty outstanding productions that the members of his association produced in the last two years, but failed to make it clear to the committee that thirty pictures out of approximately one thousand released during these two years is only about three per cent of the total number. But one cannot expect any fair statement from the representative of an association the main care of which has been to undermine the standing of the customers of the producers among the picture-going public.

**SIDNEY R. KENT:** Kent, with his usual bigoted and intolerant attitude, stated that only about forty per cent of the exhibitors favor the abolition of block-booking. How has he arrived at such a figure? If he had sent out a questionnaire, he would certainly be in a position to hand definite figures to the committee. But he did no such a thing. He stated that he refused to handle "Maedchen in Uniform" but failed to state that he advocated the production of "Casanova, the Great Lover," a story in which the hero seduces nuns and twelve year old children indiscriminately, and was prevented from producing it only because immediately after the 1934-1935 announcement of the Fox Film Corporation was made, the Legion of Decency came into being. He said that the Bill would put the ten cent houses out of business, but failed to inform the committee that only recently the Chicago exchanges banded to shut product out of a ten cent house there and were forced to desist only when this exhibitor sued the distributors.

**ED. KUYKENDALL:** Ed stated that he represents the oldest and largest exhibitor organization. As to his organization's being oldest, that is only too true, but he failed to inform the committee that this organization is no longer an independent exhibitor organization, and that at least eighty per cent of the money for its upkeep now comes from producer-controlled theatres. Nor did he say that it has been the habit a few years ago for the affiliated theatres to apportion among themselves the deficit of M. P. T. O. A., of which Ed now is the president. One of the queerest statements Ed made, however, is that he favors block-booking, but is opposed to full-line forcing. If you can figure this out with logic, you are certainly a smart man. Ed stated also that his competitor gave away ice cream cones, but he failed to state that he is running bank nights and other such prize games.

**GEORGE SCHAEFER:** Schaefer told the committee that the exhibitors canceled "Alice in Wonderland" more than any other picture, implying by this that the exhibitors failed to appreciate an artistic production. If Paramount became childish and produced this picture, which is suitable only for children, it is not the exhibitors' fault. But he, too, failed to state to the committee that among the exhibitors who canceled "Alice in Wonderland" were also affiliated theatres. He failed to inform the committee also of the fact that his company produced in 1933 a picture founded on Faulkner's "Sanctuary," a book dealing mostly with degeneracy, that he, as general manager of Paramount, refused in many cases to accept a cancellation of it, and that this picture was the main cause for the formation of the Legion of Decency.

**ED FAY:** Ed Fay, a Providence, R. I., exhibitor, set his foot in it when he said something that touched Nat Yamins. Mr. Yamins is preparing an answer to him.

On the whole, the independent exhibitor group made a fine impression with the committee.



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### THIRD-DIMENSION PICTURES

Hollywood is jumpy these days. And its jumpiness is being caused by the uncertainty of the future, as it appears to them. This uncertainty is the result of three more or less formidable factors: three-dimensional pictures, pictures in natural colors, and television.

Let us discuss in this article what is possible to be the position of third-dimension pictures in moving picture exhibition:

What has brought the question of the third-dimension talking pictures to the forefront is the recent discovery that Polaroid, a glass-like material of comparatively recent invention, has certain properties, among which is one that enables the projection on the screen of third-dimension or "stereoscopic" pictures.

What Polaroid is and what its other properties are, need not be discussed in this article; he who desires information on the subject may read the articles that appeared recently in scientific as well as in engineering periodicals, and in the magazine sections of Sunday papers; let the discussion be confined to what commercial possibilities third-dimension pictures hold for the immediate future.

To produce third-dimension pictures on the screen, the picture must be "shot" by two different cameras, shooting at the same time, each camera photographing what one eye supposedly sees; or else by a single camera of special construction, running at double speed, shooting alternately "right-eye" and "left-eye" views.

Then the two positives, printed from the two negatives, must be projected on the screen by two projectors simultaneously, each projector throwing one picture, the two projected pictures meeting on the screen and, when suitably viewed, blending into one picture. When such a picture is viewed through spectacles the lenses of which are of Polaroid glass, the objects stand out as do still pictures when viewed through a stereoscope. It is possible to get the same results also by running a single projector at double speed, showing right-eye and left eye pictures alternately, back of rotating Polaroid filters.

A few of the problems that will confront the exhibitor who may wish to show third-dimension pictures will be the following:

(1) Each theatre must be supplied with Polaroid spectacles, or glasses, at least two pairs for each seat in addition to an extra number, as we shall see in this discussion.

(2) How is the management to distribute these glasses? (a) At the box-office? This cannot be done, for self-evident reasons. It will be necessary, then, to set up a separate stand or office where the patrons may obtain them. At least two attendants will be required. In large theatres, the requirements will be greater. (b) Will each seat be equipped with a pair of such glasses? This is impracticable.

(3) Suppose problem (2) were solved as at (a), that is, by setting up a separate stand for the passing out of glasses, how can the manager provide each patron with the proper size of glasses? As is well known, in some persons the shape of the nose and the separation of the eyes are unusually large or small. Can such a difficulty be overcome? Hardly likely. It is also a fact that some people have defective vision in one eye and will not get the full third-dimension effect. Will they be satisfied?

Then again, a large percentage of picture-goers already wear glasses. Are these to put on the Polaroid glasses over their regular glasses? Hardly likely!

Imagine a person going to his seat wearing two pairs of glasses! If each patron should hold the Polaroid glasses in his hand, what will happen during rush hours, particularly in winter time when the patron may be holding his hat with the one hand, the stub of the ticket with the other, and carrying an umbrella as well as an overcoat on either arm? Some of the glasses will be knocked out of the hand of the patron and stepped upon. The patron will then be compelled to return to the stand for another pair. You may realize the confusion that will result from that. And shall he be charged for the broken pair?

Would women be willing to put on such glasses, musing up their hair?

And how about the frames of such glasses? Some persons have large noses, some small; in some persons, the distance between the eyes is small, in some large. And how about children? All these problems must be solved before such pictures may be exhibited to audiences satisfactorily.

(4) Then comes the cost of glasses. Each pair may cost anywhere from perhaps fifty cents to several dollars, and since, as said, the vision conditions are different with each person, the manager must provide his theatre with at least two pairs of glasses for each seat with a substantial number of pairs for standees.

(5) Will the customer be charged for the use of the glasses? If not, the exhibitor will become bankrupt, for all his profits will have to go for the purchase, distribution, and care of the glasses.

(6) And who will be responsible for the condition of the glasses when in the customer's hands? Suppose the customer damaged his glasses and was compelled to pay for the cost of them, either one dollar or five dollars, whatever the cost may be, would he ever set his foot into that theatre again? Would he ever set foot into any other such theatre, for that matter?

Suppose the customer did damage the glasses but when he took them back to the stand he insisted that he received them in that condition; the attendant insisted, however, that the glasses were in perfect condition when they left the stand, would the management insist that the customer was at fault? What will be the result? A rumpus will be created, and in some instances the customer will be so incensed that a panic may be caused.

If the managers, to avoid all these troubles, were to give the glasses away, wouldn't the cost of exhibiting third-dimension pictures from this item alone prove prohibitive?

(7) Now comes the problem of sterilization: We know very well that many persons shrink from the thought of putting on glasses that had touched the flesh of another person. The patron must be assured that the glasses had been sterilized thoroughly.

Some managers may provide the means for proper sterilization; but some may neglect this part, with the result that contagious diseases will be transmitted from one person to another. This will necessitate the passing of city ordinances, and perhaps state laws, that will safeguard the health of the public. I leave it to you to determine whether the creation of such a contingency is advisable.

(8) And how about keeping the glasses clean, even after sterilization? For a patron to enjoy the performance, he must put on glasses that are free not only of fingerprints, but also of dust as well as of other dirt.

(Continued on last page)



**"These Three" with Miriam Hopkins,  
Merle Oberon and Joel McCrea**  
(United Artists, Feb. 28; time 91½ min.)

A deeply stirring drama, well directed, and expertly performed by a fine cast. The story is novel, and although it touches on a delicate theme it has been handled so discreetly and intelligently that it does not offend. The performances given by two youngsters—Bonita Granville, in the role of the sadistic, lying youngster, who causes havoc in the lives of three friends, and Marcia Mae Jones, as the sweet school child, who is tortured by Bonita, are magnificent. It is to Bonita's credit that she makes herself detestable—so detestable, in fact, that spectators will want to vent their anger on her in some way. For Marcia one can feel only pity and a desire to comfort her. Another obnoxious character is portrayed by Catherine Doucet, Miss Hopkins' aunt, whose evil mind and loose tongue are the direct cause of the trouble. One feels deep sympathy for Miss Hopkins, Merle Oberon, and Joel McCrea, the victims of the vicious lies spread about them by the evil Bonita. The situation in which Bonita is cornered by McCrea, who tries to force her to admit that she had lied, will hold one in tense suspense. The manner in which she crawls out of it is something that one must see to appreciate.

In the development of the plot, Miss Hopkins tells Miss Doucet that she would have to leave the private school she and Miss Oberon were conducting, because she was a bad influence on the pupils. Miss Doucet accuses her of being afraid of her because she knew she loved McCrea, Miss Oberon's fiance. The argument is overheard by Marcia and another girl, the other girl repeating it to Bonita. Bonita, angry because both Miss Hopkins and Miss Oberon punished her whenever she did something tricky, runs home to her grandmother, Alma Kruger, taking Marcia with her to confirm the malicious story she had concocted. She tells her grandmother that she had seen Miss Hopkins and McCrea in a compromising position. The grandmother is shocked, and immediately telephones to the mothers of the other pupils. Thus all the pupils are taken out of the school. Bonita, by threatening Marcia with arrest for having stolen a bracelet, terrifies her into confirming her lies. The three friends sue Miss Kruger for libel, but lose their case. The friendship between the two girls is hurt because Miss Oberon could not help thinking that maybe there was some truth in what the children had said. Miss Hopkins, by assuring Marcia that no harm will be done to her, is able to get the truth out of her. Miss Kruger, when confronted by Miss Hopkins with the facts, is heartbroken to think that Bonita could have done such a vicious thing. She offers Miss Hopkins to do anything she could to re-establish their reputation, but Miss Hopkins tells her she wants no favors, except that she go to Miss Oberon to give her the facts so that her faith in McCrea might be reestablished. She does so. Miss Hopkins goes away; and Miss Oberon goes to Vienna, where she is reunited with McCrea, who had gone there to continue studying medicine.

The original story and screen play is by Lillian Hellman. William Wyler is the director, and Samuel Goldwyn the producer. In the cast are Carmencita Johnson, Margaret Hamilton, Walter Brennan, and others.

Not for children, adolescents, or Sundays. Excellent for adults. *Class B.*

**"Don't Gamble with Love" with Ann  
Sothern and Bruce Cabot**  
(Columbia, Feb. 29; time, 63 min.)

Just fair program melodrama. It has been given a better production than is usually given to pictures of this grade; but it lacks excitement. The closing scenes hold the spectator in suspense—there Miss Sothern outwits the gangsters and saves Cabot's life; otherwise the story proceeds in an obvious manner. One feels sympathy for Cabot when he is fleeced of his fortune by a swindler, but this sympathy is lessened when he in turn decides to do the same thing to others. The efforts of Miss Sothern to dissuade him from his purpose awakens the spectator's sympathy. There is very little comedy relief:—

Cabot and Miss Sothern, his wife, operate a gambling establishment, which they run in an honest manner. When their baby is born, Miss Sothern persuades Cabot to sell the business and invest his money in a brokerage concern. He follows her advice and invests his money with Thurston Hall, who absconds with Cabot's fortune. Cabot decides to go back into the gambling business, but this time not on an honest basis. Miss Sothern separates from him. She becomes a successful dress designer, while Cabot prospers

with his club. Cabot, warned by Irving Pichel and his gang not to branch out, decides to open a second club. Miss Sothern learns that the gang is out to get Cabot. In order to save his life, she rushes to his club just as Pichel arrives and tells the patrons that everything is crooked. They break up the place. This is enough satisfaction for Pichel, who knows that Cabot could never enter the business again. Cabot and Miss Sothern become reconciled.

Lee Loeb and Harold Buchman wrote the story and screen play. Dudley Murphy directed it and Irving Briskin was the associate producer. In the cast are Ian Keith, George McKay, Elizabeth Risdon, and others.

Not for children or Sundays. Harmless for adults. *Class B.*

**"Boulder Dam" with Ross Alexander,  
Lyle Talbot and Patricia Ellis**  
(Warner, March 7; time, 69 min.)

A fair program melodrama. It is interesting mainly because Boulder Dam is used as a background. The scenes that show the men at work in the construction of Boulder Dam are very realistic. The situation where Ross Alexander leaps onto a runaway truck full of dynamite, racing down a hill, is very exciting. He throws away the dynamite, and jumps off just as the truck crashes. The most thrilling and suspenseful situation is where Alexander goes to the rescue of Lyle Talbot, a fellow-worker, who had been holding on to a rope attached to a cable car suspended in mid-air. The plot is rather out-worn. It has some comedy and a fairly pleasant romance:—

Alexander, in a quarrel with his employer, strikes him, throwing him to the ground and accidentally killing him. He runs away and, by hitch-hiking, eventually lands at the Dam construction camp. He becomes acquainted with Patricia Ellis, a singer, whose father was employed at the Dam. She and her family help him and finally make him change his views about life. He pockets his pride and asks for work at the Dam, after having once been refused. He is taken on and progresses rapidly. He becomes engaged to Miss Ellis. This annoys Talbot, who feels he knows Alexander from some other place. He finally recalls where he had seen him and knows he is the murderer. He demands that Alexander leave town. When Alexander saves him from death, Talbot refuses to give him away; but Alexander decides to confess. He is sent back for trial, with the assurance of his superior and of his friends that they will get the best lawyer to defend him, and that his job will be waiting for him when he returns.

Dan M. Templin wrote the story, and Sy Bartlett and Ralph Block the screen play. Frank McDonald is the director and Sam Bischoff the supervisor. In the cast are Eddie Acuff, Henry O'Neill, Egon Brecher, and others.

Suitable for all. *Class A.*

**"Rhodes" with Walter Huston**  
(Gaumont-British, Feb. 20; time, 88 min.)

A fair melodrama unfolding in South Africa and revolving around the adventures of Cecil Rhodes, the English diamond master. It has been produced with great skill, but it is devoid of comedy and romance. This makes it suitable mostly for men. The opening scenes, which show the race of settlers by covered wagons and by horses for the claiming of diamond mines, are exciting and impressive. The situation in which King Lobengula, chief of the African tribes, is shown being induced by flattery to give Rhodes the concession to dig for minerals in his territory is amusing. But his subsequent disappointment and shame at having betrayed his people is touching.

In the development of the plot, Rhodes, although he suffers from a heart ailment, and is given only six months to live, is able to overcome, by sheer force, his ailment and to rise from an obscure mine owner to ruler of the diamond mines, and leader of the British forces. In his rise, he becomes enormously wealthy. The one man who stands in the way of Rhodes, bringing about a united kingdom in South Africa is Kruger, the Dutch leader, who does not trust Rhodes. Just when Rhodes is in a position to conquer Kruger, a misstep on the part of one of his men causes him to surrender to Kruger's demands. He carries on a valiant fight but dies before his dreams are realized.

The plot was based on the novel by Sarah Gertrude Millin. Leslie Arliss and Michael Barringer wrote the screen play, and Berthold Viertel directed it. In the cast are Oscar Homolka, Basil Sydney, Frank Cellier, Peggy Aschroft, and others.

Suitable for all. *Class A.*



**"Klondike Annie" with Mae West and Victor McLaglen**

(Paramount, Feb. 28; time, 79 min.)

This picture cannot do Paramount, Mae West, or the motion picture industry any good. It may do business because of the extraordinary publicity it has been getting, but it will undoubtedly displease a great number of picture-goers. The story is sordid, and even more vulgar, both in dialogue and action, than any story that has been given this star in the past. As a concession to religious persons, Miss West preaches religion and in the end decides to pay the price for her sins. But in some way this does not lessen the unpleasant effect of what preceded. The suggestion in the opening scenes that Miss West is the mistress of an Oriental will incense many Americans. Her next affair is with Victor McLaglen; their intimacy, instead of being only hinted at, is made quite obvious, both in action and dialogue. And to top it all, Miss West does not even look well; she has been photographed poorly and in some of the scenes is dressed unbecomingly.

In the development of the plot Miss West, after stabbing and killing, in self defense, her Oriental lover, sails for the Klondike aboard the ship of which McLaglen is Captain. McLaglen falls in love with her and they soon become intimate. When he discovers that she is wanted by the police he promises to help her. At Vancouver, Helen Jerome Eddy, a settlement worker, boards the ship. She tries to preach to Miss West, but to no avail. Miss Eddy has a heart attack and dies. Miss West, in order to cause the police authorities to cease seeking her, dresses in the dead woman's simple clothes and impersonates her. When she arrives at the Klondike she is greeted by the religious workers, and, feeling that she owed something to the dead woman, she decides to conduct the religious meetings so as to put the settlement on a paying basis. She becomes acquainted with Philip Reed, a police officer, but feels that she had better leave before she ruins his career. Touched by what she had been preaching, she tells McLaglen that she wants to go back to San Francisco to stand trial for the murder. McLaglen promises to stand by her.

Miss West wrote the screen play as well as the story. Raoul Walsh directed it, and William LeBaron produced it. In the cast are Harold Huber, Soo Yong, Lucile Webster Gleason, James Burke, and others.

Unsuitable for children, adolescents, or Sundays, and even for many adults. *Class B.*

**"Laughing Irish Eyes" with Phil Regan, Evalyn Knapp and Walter C. Kelly**

(Republic, Mar. 10; time, 70 min.)

Pretty good entertainment. It is a breezy comedy with music, revolving around Irish characters. Phil Regan appears to better advantage in this than he has appeared in any major company picture; his voice registers very well, and the music he sings is pleasing. The prize-fighting scenes, in which pictures of an actual fight at Madison Square Garden have been inserted in a realistic manner, will be enjoyed by men because of the excitement; and by women, too, for these will sympathize with Regan. The romance is charming; it develops in a natural manner:—

Walter Kelly, a fight promoter, while in Ireland in search of a good fighter, signs up Regan, the singing village blacksmith, thinking him to be the champion. Evalyn Knapp, his daughter, who had met and fallen in love with Regan, knows that he, Regan, had never been in a ring, but she does not tell her father of it. As soon as they arrive in America she enlists the aid of Ray Walker, who loved her, to put Regan across as a radio singer. When her father tells her that he had bet his entire fortune on Regan's ability to meet all comers, she is heartbroken. Walker enters into a pact with Kelly's enemies to fix all the fights for Regan to win, until the championship bout, in return for which he will give them radio publicity. The day before the main bout Miss Knapp tells Walker that she is going to marry Regan. He is so incensed that he denounces Regan and Kelly over the radio that night. Regan is shocked to find that the bouts had been fixed and arranges to return to Ireland. But Miss Knapp pleads with him to stand by her father. He fights and wins the championship. He later becomes a radio favorite, and marries Miss Knapp.

Sidney Sutherland and Wallace Sullivan wrote the story, and Olive Cooper, Ben Ryan, and Stanley Rauh the screen play; Joseph Santley directed it, and Colbert Clark supervised it. In the cast are Mary Gordon, Warren Hymer, Herman Bing, Clarence Muse, and others.

Suitable for all. *Class A.*

**"Colleen" with Ruby Keeler, Dick Powell, Jack Oakie and Joan Blondell**

(Warner Bros., Mar. 21; time, 88 min.)

Warners have spared no expense, either in cast or production, for this picture, but it does not seem to click. The trouble is in the plot—it is disconnected and jumpy, making the story meaningless. It is more along the order of a revue, where each star does his or her bit, and then leaves the stage. This becomes tiresome after a while. The best thing is Hugh Herbert's comedy, particularly in the first fifteen minutes, where Herbert, a nit-wit millionaire, arrives at his office and makes a general nuisance of himself; what ever he does is silly, but extremely comical. There are two musical numbers, fashioned in the usual lavish Warner style, with dancing by the regular chorus. There is also solo dancing, done by Paul Draper, a newcomer to pictures, and Ruby Keeler. Draper's style of dancing is novel and skillful; but he does not have a good screen personality. Powell and Miss Keeler carry the romantic interest, but it is not as charming as in their other pictures.

The story revolves around Herbert, who cannot resist the charm of a pretty girl. Joan Blondell, a worker in a candy factory, sensing Herbert's weakness, plays up to him, and is soon taken out of the factory and put in charge of an expensive dress shop, which Herbert buys for her. Working with her in an effort to fleece Herbert is Jack Oakie. He promises to marry her as soon as she gets Herbert to adopt her as his daughter. Powell, Herbert's nephew, convinces Herbert that they are crooked. Herbert buys them off by paying them each \$25,000. But he goes even farther, without telling Powell; he sends a lawyer to Miss Keeler, who worked in the dress shop, and with whom Powell was in love, to offer her \$10,000 to release Powell. She accepts this proposition, out of spite. Explanations eventually follow, and the lovers are reunited.

Robert Lord wrote the story, and Peter Milne, F. Hugh Herbert and Sig Herzig wrote the screen play; Alfred Green directed it, and Robert Lord produced it. In the cast are J. M. Kerrigan, Berton Churchill, Louise Fazenda, Marie Wilson, and others.

Suitable for all. *Class A.*

**"Three Godfathers" with Chester Morris, Lewis Stone and Walter Brennan**

(MGM, Mar. 6; time, 80 min.)

Just a moderately entertaining program melodrama. The second half, which takes place on the desert, is pretty tiresome, and the different desert shots, which show Chester Morris and his two pals wearily trudging across it, wear on one's nerves. It would have been more effective had the desert scenes been minimized. The fact that the characters are, in the first half, "bad" men lessens one's sympathy for them when they become regenerated. Morris is a particularly unpleasant character—brutal and immoral. The best attraction is the charming baby the men find on the desert; he takes to the camera like a born actor. But after the spectator gets over admiring the charms of the child, the triteness of the plot and the slow action overcome him:—

Morris, Stone, and Brennan, three bad men, arrive in a small town, at the outskirts of the desert, where Morris had once lived, and, after winning the friendship of the people, rob the bank. They escape and plan to cross the desert to the next town, some distance away. Their water supply runs low, and as they were seeking water they come upon a dying woman and a baby. The woman dies and Stone, a poet at heart, cannot bear to leave the baby. When their horses run away, they walk back to town, Stone taking the baby along against Morris' wishes. Stone, realizing that it is hopeless to continue, extracts a promise from Brennan to care for the baby and then kills himself. Brennan becomes exhausted and he, too, kills himself. Morris' hardness melts and he decides to give the baby a chance. As he continues on his way, he drops all the money. Realizing that only by drinking can he get to town, he drinks poisoned water. He finally gets there, turns the child over to Irene Hervey, whom he had once loved, and then dies.

The story is by Peter B. Kyne, the screenplay by Edward E. Paramore, Jr., and Manuel Seff, Richard Boleslawski is the director and Joseph L. Mankiewicz the producer. In the cast are Jean Kirchner, Sidney Toler, Dorothy Tree, and others. (Universal produced it in 1916).

Unsuitable for children or for Sunday showing. Adult entertainment. *Class B.*



(9) As to the life of the glasses, that is a matter that will be determined in practice. Just now it is difficult to say what will be the life of the glasses when they will be sterilized several times a day.

(10) Now comes the cost of production, distribution, and exhibition:

(a) **PRODUCTION:** Double the number of cameras will be required, and double the number of cameramen must be employed. The number of feet of negative film will double. The cameramen will have to possess greater skill. The sets will have to be designed specially, and have increased lighting. These will add to the cost of production.

(b) **DISTRIBUTION:** Since each print will be twins, twice the number of feet of positive film will be required, twice the number of reels, twice the volume of vault space, twice the insurance, twice the number of film inspectors, and the force of the other departments of the distributors will have to be increased to take care of the added work.

(c) **EXHIBITION:** Twice as many projectors will probably have to be installed. To accommodate these, each exhibitor will be compelled to rip up his projection room so as to enlarge it. Twice the number of projectionists will have to be employed. Express charges will double up—this item is not so great with exhibitors who live near a center of distribution, but it is a big item with exhibitors who live far away; some of these will lose most of their profits in added express charges.

\* \* \*

Even though I have presented many of the problems that will confront the three branches of the industry if a decision were ever made to adopt three-dimensional pictures permanently, I believe that I have only scratched the surface; there are problems that cannot be foreseen just now.

But from what has been brought out in this article, it is evident that the fear of those in Hollywood or anywhere else in this industry from this innovation is altogether unwarranted: three-dimensional pictures will not be touched for the present and even for a long time to come—not, at least, until such pictures can be projected on the screen and seen by the customer without artificial aids. If the producers were unwise enough to be drawn into such a venture, the industry might even go bankrupt.

Natural color pictures and television will be discussed in a future article.

## "KLONDIKE ANNIE" AROUSING CATHOLICS

According to *The Baltimore Catholic Review*, Monsignor Harry A. Quinn, head of the Baltimore Scholastic Legion of Decency and spiritual director of the Baltimore Archdiocesan Holy Name Union, will ask all the Holy Name men of the Archdiocese of Baltimore, numbering approximately 50,000, to co-operate with the Scholastic Legion of Decency and other similar organizations in the Archdiocese to carry on a campaign against motion picture theatre owners and managers in whose theatres are presented indecent films and stage shows.

"Monsignor Quinn," *The Baltimore Catholic Review* states under the heading "Decent People Are Insulted by Paramount," "will begin his campaign by telling the Baltimore Holy Name men that Century and Hippodrome theatres have been presenting filthy stage shows, and that Keith's Theatre offended grievously by presenting 'Klondike Annie,' a film condemned by secular papers and magazines."

The paper continues further on: "The *Review* now puts the question to Paramount: 'Do you want to throw down the gauntlet? Do you want to come out clearly and explicitly and say, "The Legion of Decency be damned"? Do you want to array the decent people of the country in a fight to the finish with you?'

"If so, the *Review* accepts the challenge. It feels that the editors of all the Catholic papers of the country will accept the challenge that the Catholic bishops, priests and laity of the country will accept it. . . ."

The error *The Baltimore Catholic Review* is committing is that it is striking at the effect and not at the cause. And curing the effect will not remove the cause.

Will H. Hays, the head of the producers' association, has decreed that "Klondike Annie" is a decent, moral and highly dramatic picture, contrary to the feeling of millions of our American citizens, and the exhibitors are compelled to show it, regardless of how The Holy Name Society of Baltimore, The Legion of Decency of Chicago, The Legion of Decency of Detroit, and perhaps the council of the Legion of Decency of many other states, as well as other associations, Catholic, Protestant, Hebrew, religious as well as secular, may feel.

As a matter of fact, the manager of the Keith Theatre, in Baltimore, cannot help showing "Klondike Annie," because he is not a free agent; the picture is booked by the booking department in New York City. And the booking department in New York City cannot help booking it, because it has a contract for it and must either show it or pay for it and shelve it. And we have said enough in these columns at different times to have convinced people outside the motion picture industry that if the theatres were to pay for such high-rental pictures as "Klondike Annie" and not show them, they would go bankrupt.

The independent theatre owners of the United States, through their organization, Allied States, and Harrison's Reports, through its editorial columns, have been endeavoring to convince our Catholic friends that the only remedy for such a situation is to allow each exhibitor to book only such pictures as would suit the tastes of the people of his community. To bring such a situation about we have tried to put through Congress a bill to legalize it. At first it was the Brookhart Bill. Having failed to put it through Congress, we prevailed upon Congressman Pettengill to introduce in the House his famous Pettengill Bill. Senator Neely took the same bill and introduced it in the Senate. But so far, we have succeeded in inducing only one prominent Catholic organization to endorse this bill—the Detroit Council of Catholic Organizations. Mr. Arthur D. Maguire, its president, has informed this publication that his organization has sent telegrams to the sub-committee of the Senate Committee on Interstate Commerce, which held a hearing two weeks ago, endorsing the Neely-Pettengill Bill wholeheartedly.

What is *The Baltimore Catholic Review* doing to help us overcome the producer propaganda against the Bill among the Catholic organizations? Until *The Baltimore Catholic Review* and all the other Catholic weekly newspapers or periodicals arouse their readers into realizing that a situation such as that of "Klondike Annie" can be corrected only when the exhibitors are given the right to reject such pictures, the evil will continue. Let the *Review* raise a cry against the methods the Hays association is employing to defeat legislation for the abolition of block-booking. If it should do so, I am sure that many other Catholic papers and organizations will put their seal of approval on this Bill. It is not a censorship bill, as the Hays forces have attempted to make them believe; it is merely an instrument by which the producers may be compelled to do what they are unwilling to do voluntarily.

Will H. Hays has broken faith with the Bishops Committee, as Harrison's Reports has proved by its editorials, "Why the Hays Seal To-Day," and "The Hays Purity Seal a Symbol of Monopoly," which appeared in the February 15, and 22, issues respectively. How long, then, is *The Baltimore Catholic Review* and other Catholic publications going to continue taking the word of the producers as against that of the theatre owners, who want to please their customers but are unable so to do?

## RETURN YOUR QUESTIONNAIRE NOW!

If you intend to fill in the copy of the Questionnaire I sent you a few weeks ago you had better do so and return it at once so that the classification of the information may not be retarded. If you have failed to get your copy, write and ask for another.

There will be no other set sent to those exhibitors who have already received one; a set will be sent only to any one who either has failed to receive his or has received it but it has been either mislaid or inadvertently destroyed.



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## PETTENGILL BILL NOT A CENSORSHIP MEASURE

Part of an editorial that appeared in the March 5 issue of *The Michigan Catholic*, of Detroit, referring to the hearing of the Pettengill Bill before the sub-committee of the Senate Committee on Interstate Commerce, reads as follows:

"Some fear that this law may lead to other legislation establishing political censorship. This objection was not raised even by the opponents of the bill at the Senate hearing.

"In our opinion the present bill deals merely with the selling, and not with the making of, a motion picture. It provides that the distributor must submit to the exhibitor 'a complete and true synopsis of the contents of such film.' It does not establish any new federal bureau or authorize any official at Washington to dictate as to what shall or shall not go into the movie.

"After much futile protesting and wrangling with exhibitors and producers, the Detroit Council of Catholic Organizations decided that the best legal action is abolition of block-booking and blind-selling of films. This practice is not followed in other lines of business which concern food, clothing and other material things. Why, then, should it be used with films which deal with far more important things, mental and moral values?"

Incidentally, the Washington office of the National Council of Catholic Women has sent me a copy of the following endorsement of the Pettengill Bill, published in the Monthly Message to Affiliated Organizations, of the N. C. C. W. official organ, last May:

"PETTENGILL BILL—N.C.C.W. through its Executive Committee has authorized the endorsement of H. R. 6472, known as the Pettengill Bill.

"This Bill is designed to make it possible for each community to select its own motion pictures and also to stimulate competition in the production and marketing of better films. The Bill is intended to do away with block-booking and blind-selling. Block-booking requires the exhibitor to buy pictures in large blocks whether they suit his needs or not. Blind-selling forces the exhibitors to lease pictures without seeing them or having an adequate printed synopsis. This is in no way akin to censorship and no new machinery of commission is necessary for its enforcement."

In view of the fact that the spiritual head of this powerful organization is Bishop Noll, of Fort

Wayne, a member of the Motion Picture Committee of the Catholic Bishops, the endorsement of the Pettengill Bill by N. C. C. W. is very significant.

Other prominent national Catholic organizations to endorse the Pettengill Bill are: The Knights of Columbus, the Catholic Daughters of America, the Catholic Order of Foresters, the Catholic Boys' Brigade of the U. S., Inc., and the Catholic Central Verein.

The National Council of Catholic Women had a representative at the hearing of the House sub-committee last week in support of the Bill.

## INVESTIGATOR BEN GOLDER READY TO BEGIN HIS INVESTIGATION

Back from his vacation in Florida, Mr. Benjamin M. Golder, who was appointed friend of the court by Judge George A. Walsh, is ready to begin his investigation of the film companies in Philadelphia with a view to finding out whether there has been any concerted effort on their part to violate the court's recent double-feature decision.

Mr. Golder will not, however, be able to begin his work until the Circuit Court of Appeals has rendered a decision whether it will or will not grant the defendants' appeal for a rehearing. In that appeal, they asserted that they did not conspire to prevent the exhibition of their feature pictures with another feature picture as a double bill.

## THE ALLIED BRIEF

Abram F. Myers submitted to the sub-committee of the Senate Committee on Interstate Commerce a brief on the Neely-Pettengill Bill.

The brief is lucid, and covers almost every point raised by the opponents of the Bill, tearing them down by merciless logic.

Mr. Myers' facts about the status of Motion Picture Theatre Owners of America should be brought to the attention of every independent exhibitor in the country. It proves beyond any doubt that it is an appendage of the Hays association. He also copies from paragraph 11 of the decision rendered by Judge Munger in the famous Youngclaus case, which reads as follows:

"That the defendants, Motion Picture Theatre Owners' Association and C. E. Williams are and were subsidiaries of and subsidized by the defendant, Paramount-Publix Corporation and the defendant, Motion Picture Producers & Distributors of America, Inc. [the Hays association], and entered into said contract, combination and conspiracy for the benefit of such corporations."



### "The Robin Hood of Eldorado" with Warner Baxter, Ann Loring and Bruce Cabot

(MGM, April 17; running time, 84 min.)

Although well produced, this action melodrama is too brutal for most picture-goers; its appeal will be directed mainly to men. In presenting the plight of the Mexicans in the days when California was taken over by the Americans, the producers have omitted none of the gory details, such as sadism, rape, tyranny, and hatred. One feels deep sympathy for the oppressed Mexicans, particularly for Baxter, whose life is ruined by the Americans. But the details are too harrowing for entertainment purposes. In the closing scenes, where the law-abiding Americans fight the outlaw Mexican band, there is a veritable slaughter of people—hundreds of men and women are killed. Several situations are deeply stirring; the situation in which Baxter's young wife (Margo), raped by the villains, dies, is one of them. And the situation in which the tyrannical Americans hang Baxter's brother and then lash Baxter is pitiful, too. Not even the romances are pleasurable, for each one ends in death of the parties involved. The musical score is the best part; it sets the fast tempo for the outdoor scenes. The photography in these scenes is excellent. J. Carrol Naish, as the bandit whose one pleasure in life is to kill, provokes laughs by his stupidity:—

Baxter and Margo, his wife, settle down on a farm in California. The place is invaded by a band of Americans who knew there was gold on the premises. They order Baxter to leave, and when he refuses, beat him to unconsciousness. He awakens to find that Margo had been raped; he is heartbroken when she dies. Baxter kills each one of the men connected with the crime. He is branded as a killer and a reward is offered for his capture. Bruce Cabot and Eric Linden, his friends, advise him to go to his brother's farm. Again he meets with tragedy; a drunken American accuses the brother of having stolen a donkey from him. The mob hangs him and then lashes Baxter. Disillusioned, Baxter joins forces with Naish, a Mexican bandit. Under Baxter's leadership the band grows and is feared. They steal and kill, if necessary. They hold up a stage coach in order to take the gold it was carrying. Baxter hoped with this gold to settle all his men in Mexico. Linden's fiancée, a passenger in the coach, on her way to marry Linden, is accidentally shot and killed. Because of this, Cabot joins the Americans in their efforts to get Baxter. In a battle that follows, all the Mexicans and their girls are killed. Baxter is wounded, but manages to get to his wife's grave, there to die.

Walter Noble Burns wrote the story, and Wm. A. Wellman, Joseph Calleia and Melvin Levy the screen play. William A. Wellman directed it and John W. Considine, Jr., produced it. In the cast are Soledad Jimenez, and others.

Unsuitable for children, adolescents, or Sundays. Adult entertainment. *Class B.*

### "Song and Dance Man" with Paul Kelly and Claire Trevor

(20th Century-Fox, March 13; time, 72 min.)

A pleasant program backstage drama with music; it should please the masses. The story is neither novel nor exciting; but since the characters awaken sympathy it holds one's attention to the end. The comedy is pretty good, both in dialogue and action; some of it is provoked by Helen Troy (a well known radio performer), as a talkative telephone operator. The friendship between Paul Kelly and Claire Trevor, and their willingness to help each other, is inspiring. For instance, Kelly, in order not to stand in Miss Trevor's way, pretends to be drunk, and insults her, thus forcing her to leave him and accept a Broadway engagement, for which he was not wanted. The music is worked into the plot in a logical manner and does not retard the action:—

Miss Trevor meets Michael Whalen, a millionaire playboy, under unusual circumstances. He mistakes her for a thief when she tries to sell him a gun and knocks her out. When he finds out that he had been mistaken he takes an interest in her career and suggests to a producer friend that she be put in a new musical show which he was backing. Whalen is forced to tell Kelly, Miss Trevor's partner, that he is not wanted. Kelly steps out, first making her believe that he was through with her. Things look pretty bad for her during rehearsal because of the animosity of Ralf Harolde, the director, who wanted his own sweetheart in her place. Kelly, who had arrived at the theatre to watch Miss Trevor's work, exposes the director and takes over rehearsals. The show is a hit. Kelly advises Miss Trevor to accept Whalen's marriage proposal.

The plot was adapted from the play by George M. Cohan. It was produced once before in 1926 by Paramount. Maude Fulton wrote the screen play, Allan Dwan directed it, and Sol M. Wurtzel produced it. In the cast are Ruth Donnelly, James Burke, Lester Matthews, and others.

Suitable for all. *Class A.*

### "The Lawless Nineties" with John Wayne and Ann Rutherford

(Republic, Feb. 22; time, 55 min.)

An excellent western; it is packed with action and comedy and has been photographed amid beautiful scenery. One thrilling and exciting situation is where Wayne, attacked by two ruffians, is forced to fight for his life. Another is where he, burning the ropes with which his hands were bound, escapes from the stronghold of the desperados. The comedy is provoked by Snowflake's reluctance to marry Miss McDaniels, the only other colored person in the community as well as by his fear of being killed by the outlaws. The romance between Wayne and Miss Rutherford is pleasant. The direction is good; also the photography—there are shown many beautiful spots of the Wyoming mountains:—

Wayne and Chandler, bosom friends, are assigned by the government to the Wyoming territory, which was terrorized by a band of outlaws, who were fighting against statehood. Their killing of people, robbing of banks and mines, destroying of property, and driving out of settlers for the purpose of preventing them from voting for statehood, had made living in Wyoming unsafe. Soon after the arrival in town of Wayne and Chandler, the outlaws discover that Chandler is a government man and kill him. Wayne thus becomes more determined to rid the territory of outlaws. While a prisoner of the outlaws, he learns that the leader was a prominent person in the community. He finally escapes and, enlisting the aid of the ranchers in the valley, captures or kills the entire outlaw band. He marries Miss Rutherford, daughter of George Hayes, editor of the local paper.

Joseph Poland wrote the screen play from an original story by himself and Scott Pembroke. Joseph Kane directed it and Paul Malvern produced it. In the cast are Harry Woods, George Hayes, Al Bridge and others.

Suitable or all. *Class A.*

### "The House of a Thousand Candles" with Phillips Holmes, Mae Clarke and Irving Pichel

(Republic, March 14; running time, 70 min.)

All that remains of the Meredith Nicholson novel from which this was supposed to have been adapted is the title; the story is altogether new. It is a pretty interesting espionage melodrama, which should entertain the average picture-goer fairly well. The production and acting are good. Although the plot is far-fetched, and the dialogue at times is forced, it moves at a fast pace and holds the spectator in fair suspense throughout. It has a good sprinkling of comedy, and a pleasant romance. The closing scenes hold one in tense suspense; there Phillips Holmes and Mae Clarke are held prisoners by Irving Pichel, head of a spy ring, whose intention was to kill them. The manner in which his plans are thwarted is accomplished cleverly:—

Holmes, sent on a mission to Geneva with a message that was of vital importance to his country (England), becomes acquainted with Rosita Moreno, who was a passenger on the same train. He does not know that she was working for Pichel, head of a spy ring, who had been offered a large sum of money to stop Holmes from taking the message to Geneva. Miss Moreno drugs Holmes and takes his papers. Holmes awakens a few hours later to find Miss Clarke, his sweetheart, who had followed him, and Fred Walton, his faithful butler, in his compartment. He stops the train, and leaves. Miss Clarke insists on going along with him. They rush to the hotel where Miss Moreno was entertaining, only to be made prisoners by Pichel, owner of the hotel. Walton soon follows them there. Pichel, on discovering which of Holmes' papers contained the important message, leaves to take it to the party he was working for; his instructions are that both Holmes and Miss Clarke are to be killed. Through a clever ruse Holmes has Pichel's car waylaid; Pichel is killed and Holmes recovers the message. He and Miss Clarke marry.

H. W. Hanemann and Endre Bohem wrote the screen play. Arthur Lubin directed it, and Mrs. Wallace Reid supervised. In the cast are Hedwiga Reicher, Lawrence Grant, Mischa Auer, and others.

Suitable for all. *Class A.*



**"Little Lord Fauntleroy" with Freddie Bartholomew, Dolores Costello Barrymore and C. Aubrey Smith**

(United Artists, March 6; time, 101 min.)

Excellent! It is a warmly human, deeply moving, as well as humorous story of a loveable young boy, whose charm and kindness make every one love him. The part is delightfully played by Freddie Bartholomew, who makes a real boy of the genteel and well-mannered Lord Fauntleroy. Several of the situations are so stirring that the spectator will be unable to hold back tears. The situations in which Freddie bids goodbye to his simple American friends before leaving for England to become a Lord, and gives each one a gift, are very touching. The other situations are equally effective. The affection and respect that Freddie and C. Aubrey Smith, his grandfather, feel toward each other is manifested in several moving scenes; and the love Freddie displays for his mother is inspiring. The lavish settings are in perfect harmony with the story, and the direction and acting are of the highest order:—

Freddie and Miss Barrymore, his mother, live in Brooklyn, New York; they are deeply devoted to each other, Miss Barrymore having learned to depend on Freddie ever since the death of her husband. They receive a visit from Henry Stephenson, who tells them that, since Freddie was to be the next Earl, his grandfather (Smith) wanted him to live with him in England. He had never known and never wanted to know his daughter-in-law because of his hatred towards Americans. His instructions were that she, too, was to live in England, but in a separate house, away from Freddie. Realizing that it would mean a great future for Freddie, she accepts the terms. Freddie is unhappy about leaving his mother, but follows her instructions to be kind and loveable to his grandfather. Smith's love for the boy changes him from an irascible old tyrant to a kind man. When Helen Flint, a vulgar actress, arrives in England and claims that her boy, Jackie Searle, is the son of Smith's eldest son and rightfully entitled to Freddie's position, Smith is heartbroken. In his misery, he turns to Miss Barrymore for comfort. Mickey Rooney, Freddie's American bootblack friend, upon seeing a picture of Miss Flint, recognizes her as his brother's wife who had run away. With the help of Guy Kibbee, another of Freddie's friends, he goes to England with his brother and is able to prove that Jackie is his brother's son, and not the claimant to the title and fortune. Everyone is elated, particularly Freddie, who is overjoyed when his mother arrives at the castle to live with him.

The plot was adapted from the play by Frances Hodgson Burnett. Hugh Walpole wrote the screen play. John Cromwell directed it with skill, and David O. Selznick produced it. In the cast are Constance Collier, E. E. Clive, Una O'Connor, and others.

Excellent for all. *Class A.*

**"F-Man" with Jack Haley and Grace Bradley**

(Paramount, March 13; time, 61 min.)

Just a program comedy, with an appeal mostly to young people. It has a few good gags that provoke laughs, but for the most part it is silly and may prove tiresome to adults. The funniest situation is that in which Jack Haley, who hoped to become a "G-Man," captures Robert Middlemass, chief of the "G-Men," believing him to be a notorious criminal. Another comical situation is that in which William Frawley, a member of the Department, in an effort to get rid of Haley, puts him through various tests, and finally tells him he is an "F-Man," supposedly a secret operative for the Department. The plot develops in so obvious a manner that one knows in advance just what will happen. Since Haley is presented as a simpleton one cannot feel much sympathy for him:—

Haley leaves home to go to the big city, intent on becoming a "G-Man." He pesters the men at the Department so much that they give him a title "F-Man," making him believe he is an important personage; he takes his work seriously. Frawley locates the whereabouts of Onslow Stevens, a notorious criminal. By posing as a Southern gentleman, he becomes acquainted with Stevens' girl friend, Grace Bradley, and accepts an invitation to call at their apartment. Haley, who was working at a soda fountain, arrives at the apartment to deliver drinks; he brings Adrienne Marden, his girl, along with him to prove to her that he was not going to see another girl. He greets Frawley, giving away the fact that he is a "G-Man." Stevens locks Haley in a closet and then takes Frawley and Miss Marden

for a ride. Haley escapes, follows them, and is instrumental in capturing the criminals. He receives a reward, with which he buys a drug store. He decides to give up sleuthing.

Richard Connell wrote the story, and Eddie Welch, Paul Gerard Smith, and Henry Johnson the screen play. Eddie Cline directed it and Val Paul produced it. In the cast are Franklin Parker, Edward McWade, and others.

Suitable for all. *Class A.*

**"Farmer in the Dell" with Fred Stone, Frank Albertson and Jean Parker**

(RKO, March 27; running time, 66½ min.)

Pleasant program family fare. It is not particularly exciting entertainment, for it moves at a somewhat slow pace, and the story centers mainly around one character. But it will please those who enjoy homespun comedies. Fred Stone awakens sympathy by his simpleness and sincerity. The manner in which he "breaks" into the movies should provoke some laughs. Moroni Olsen, as the understanding director who has respect for Stone, awakens one's sympathy, too. There is a pleasant romance between Jean Parker and Frank Albertson, which is culminated after many misunderstandings:—

Stone, at the insistence of Esther Dale, his wife, sells his farm in Iowa and moves to Hollywood. Her one desire was to put their child, Miss Parker, in the movies. She obtains a pass to visit one of the studios and sends Stone and Miss Parker there. Olsen, who was directing a farm picture, notices Stone and is attracted by his honesty and helpful hints. He sees in Stone a fine type for his picture and engages him as an actor. After acting for a few days, Stone tells Olsen he wants to quit. The studio officials, thinking that he was being given offers by other studios, talk him into signing a contract at a salary of \$600 a week. His wife is jubilant. While Stone is away on location finishing a picture, his wife proceeds to spend large sums of money, and when he returns he is shocked to find out what she was doing. What hurts him most is that Miss Parker's head was being turned by a foreigner, and that she had quarreled with Albertson, her sweetheart. In a fit of temper, Stone insists on going back to the farm. Miss Dale, by promising to live a simple life, induces him to stay. Miss Parker and Albertson marry.

The plot was adapted from the novel by Phil Stong. Sam Mintz and John Grey wrote the screen play. Ben Holmes directed it and Robert F. Sisk produced it. In the cast are Lucille Ball, Edward Burns, and others.

Suitable for all. *Class A.*

**"Give Us This Night" with Jan Kiepura and Gladys Swarthout**

(Paramount, March 6; time, 72 min.)

This is high class entertainment, with good music, and an excellent production. But its appeal will be directed mainly to music lovers, since most of the story is told in operatic terms. It is not for mass consumption because it lacks glamorous romantic appeal, and has little comedy. Both Kiepura and Miss Swarthout have excellent voices, but the music they sing, with the exception of probably one love song, is of the classical order, and it is doubtful if it will be appreciated by the rank and file. It should please sophisticated audiences in large cities. The plot is not novel—it is of the usual backstage variety, with a romance that is finally culminated after many misunderstandings:—

Miss Swarthout, ward of Philip Merivale, a composer, prepares to sing the leading soprano role in an opera he had completed. She happens to hear Kiepura, an Italian fisherman, sing and is so impressed by his voice that she insists that Merivale hear him, too. He does and he immediately signs Kiepura to sing in the opera in place of Alan Mowbray, an egotistical, drunken tenor. Kiepura and Miss Swarthout confess their love for each other. But when Merivale tells Kiepura that he intends to propose to Miss Swarthout, he is so heartbroken that he runs away; he felt that he did not want to stand in the way of a man who had been so good to him. Things look pretty bad at the opening night of the opera, until Kiepura, who had been egged on by his month who knew that Miss Swarthout loved him, rushes to the opera house in time to sing. He is acclaimed, explanations follow, and he arranges to marry Miss Swarthout.

Jacques Bachrach wrote the story. Edwin Justus Mayer and Lynn Starling wrote the screen play. Alexander Hall was the director, and William LeBaron the producer. In the cast are Benny Baker, Michele Burani, William Collier, Sr., Sidney Toler, and others.

Suitable for all. *Class A.*



## BITING THEIR OPPONENTS' NOSES

How much disturbed the major companies are about the Pettengill Bill may be deduced by the fact that their representatives are now resorting to personal abuse.

What has a principle got to do with the acts of individual exhibitors? George Schaefer, in order to discredit Nathan Yamins, stated that Mr. Yamins originally booked "I'm No Angel" for four days and afterwards extended the playing time to seven days; also that he owns every theatre in Fall River, and pays to the producers whatever he feels.

As to "I'm No Angel," Mr. Yamins replied that this was before there was real agitation against unclean pictures, and that now he co-operates fully with Father Gorman, the head of the local chapter of the Legion of Decency, cancelling any picture against which there is objection on moral grounds. As to the second accusation, Mr. Yamins has challenged any one to prove that he pays for film less than any other exhibitor in proportion.

Though Mr. Yamins owns every theatre in Fall River, he does not hesitate to join in a campaign against block-booking and blind-selling, when the elimination of these two evils and the creation of an open market for feature pictures may work to his disadvantage. For this he deserves the thanks of every independent theatre owner, for in so doing he overlooks personal interests, and fights for principles.

But even if Schaefer were, for the sake of argument, right, why should he object to a principle just because of the acts, as said, of some individuals?

The producer representatives remind us of the person who, unable to defeat his adversary in an argument by logic, bites his adversary's nose.

## UNITED ARTISTS AND SCORE CHARGE

The attention of this paper has been called to the fact that the United Artists salesmen are now demanding from the exhibitors payment for score, something they did not ask before.

This policy was instituted several months ago. The excuse for it was that if the other major companies demanded payment for score why shouldn't United Artists?

To begin with, not all the other companies have been making a charge for score; neither Columbia, nor Universal, for example, have been making such a demand, except in situations where there is so much competition that the exhibitor is at the mercy of the distributors.

The matter of score charge has not been given adequate attention by the exhibitors for some time. There should be a concerted effort to eliminate this obnoxious charge. The exhibitor organizations should put it first on the calendar at all meetings from now until the selling season begins.

The exhibitors should refuse to pay for score to any company, for what the producers pay to the copyright owners for the right to record music is only a small part of what they collect. They are profiteering, and the exhibitors should do something about it.

## WHAT SHOULD WE CALL A MAN WHO GETS MONEY TO FIGHT AGAINST A CAUSE?

A certain exhibitor leader has called "Bolsheviks" those who are fighting for the enactment of the Pettengill Bill into a law.

How queer a logic! A man whose expenses are paid largely by money contributed to his organization mainly by producer subsidiaries, in his travels around the country fighting against the Pettengill Bill calls Bolsheviks those who are fighting for law and order!

If those who are fighting for law and order are Bolsheviks, what are those who get paid to protect those who have broken the law repeatedly and have kept the industry in disorder?

## "KLONDIKE ANNIE" STILL HOLDING THE CENTRE OF THE STAGE

"Klondike Annie" continues to hold the centre of the stage. In some parts of the country it has been condemned by civic bodies; in others, it has not yet been seen. In the meantime, the picture is piling up tremendous grosses.

At the Paramount, in this city, it is doing unheard-of business.

I asked a friend of mine to tell me whether it is because of Mae West's popularity or of the adverse publicity given to the picture by the Hearst papers. He said that it is both: she is popular, no matter how poor the quality of her pictures may be, and the publicity the Hearst papers have given to her has aroused the curiosity of all those who ordinarily might not have cared to see Mae West in any picture.

This paper hopes that next time the Hays representatives tell some legislative body that no exhibitor has canceled "Klondike Annie," even though it has been condemned by some public bodies, they should not fail to inform such a body that among the exhibitors who have refused to cancel this picture are also all the affiliated exhibitors.

## PETTENGILL BILL NOT UNCONSTITUTIONAL

The producers, in order to prevent the passage of the Pettengill Bill, have been asserting all along that the Bill is unconstitutional. You may imagine, then, their consternation when the U. S. Attorney-General declared the Bill constitutional. Congressman Pettengill, in order to silence opposition on these grounds, referred his Bill to Attorney-General Cummings and Mr. Cummings rendered a favorable opinion on it.

## LAST CALL FOR QUESTIONNAIRES

If you have not yet filled in your copy of the Questionnaire on contract terms for features, which I sent you several weeks ago, do so at once, for once the compiling of the information begins no other Questionnaires will be taken into consideration.

Needless to say that whatever information you give in the Questionnaire will be kept in strict confidence.



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## A REVIEWING SERVICE FREE FROM THE INFLUENCE OF FILM ADVERTISING

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### AN APPROVED ARTISTIC RAPE

If you have read my review of "The Robin Hood of Eldorado," the MGM picture with Warner Baxter, you know that the motive for the hero's acts is a rape and a lynching: The hero's beautiful wife is raped by four ruffians, who, having learned that there was gold in the hero's ranch, had gone there to chase the hero away and to confiscate his ranch. When they espied the hero's beautiful wife, they go after her.

The next scene shows the victim on her bed, face up, with a pathetic expression in her eyes; she dies.

Later on in the action one ruffian sees the hero riding a horse. Having made up his mind to take the horse away from the hero, he tells his co-criminals that the horse was his. When the hero tells them that it was his brother's they lynch his brother for stealing "the ruffian's" horse.

The lynching of his brother is too much for the hero and he becomes the leader of a band of outlaws. But he is not confined to shooting down those who had raped his wife and those who had lynched his brother; he holds up stage coaches and commits other robberies.

At the lair of the band there are loose women. In several scenes the men and women are shown drinking and conducting themselves in an unrestrained manner.

This picture the reviewing committee of the National Legion of Decency has placed on the approved list—Class A, suitable for women and children.

There is no question in my mind that many of you refrain from showing pictures with such a motivation; but if you should complain to the exchange either because of your policy or because prominent citizens of your community have requested you not to show it, the exchange manager will no doubt point out to you the fact that since the picture has been put by the National Legion of Decency on the approved list you have no reason for a complaint. That is what has happened with "Klondike Annie," in Chicago; the censorship board rejected it and the distributor appealed from the board's decision to the police commissioner. And the commissioner overruled the board on the ground that the National Legion of Decency approved it for adults, classifying it merely as "objectionable in spots."

The only way by which pictures such as "The Robin Hood of Eldorado" could be rejected by those who refrain from showing them as a matter of policy is for the exhibitor to have the right to reject them at the time they are offered to him for purchase. Under the present system, this cannot be done; only such a bill as the Neely-Pettengill

Bill, if enacted, would give the right to the exhibitor to reject such pictures. But Father Daly, the Executive secretary of the Legion of Decency, went to the House Committee hearing in Washington last week and told the committee that his organization is opposed to the passage of that Bill on the ground that it is a censorship measure.

"The Legion of Decency," said Father Daly, "sees in legislative measures not a means of securing a wholesome screen but rather a grave danger of political censorship. One law may lead to another. The result in all probability will give us a bureaucracy or final court of morals for motion pictures."

"There would be the danger of political appointees interpreting the provisions of the law in a bureaucracy so as to set up a moral standard for motion pictures. There would be danger also of these appointees being influenced by political pressure in their interpretation."

Mr. Pettengill: "Excuse me, Father, just a moment. Are you speaking about the Pettengill Bill, or the Caulkin Bill?"

Dr. Daly: "We are speaking about the Pettengill Bill, Mr. Chairman."

Mr. Pettengill: "Is there anything in the Pettengill Bill that calls for the setting up of a board of censors anywhere?"

Dr. Daly: "It is merely speculation on the grounds that there is a possibility that once legislation of this kind becomes adopted, of interfering with the motion picture industry."

Thus Father Daly, speaking on behalf of the National Legion of Decency, disapproved the Neely-Pettengill Bill, not because it is a censorship measure, but because it may, in his opinion, lead to censorship in the future. In other words, he was moved to condemn the Bill merely on speculation.

In the fight of the Legion of Decency against unclean films, the exhibitors of the United States lined up with its leaders and gave them their support whole-heartedly. The producers fought the Legion up to the last minute and gave in to it only when they saw that the American people were aroused against the filthy pictures. But now the official representative of the Legion deserts the exhibitors and flops to the producers, in spite of the fact that powerful Catholic organizations, such as the Detroit Legion of Decency, the Knights of Columbus, the Catholic Daughters of America, the Catholic Order of Foresters, the Catholic Boys' Brigade, the Catholic Central Verein, and the National Council of Catholic Women have put their stamp of approval on the Bill. As a matter of fact,

(Continued on last Page)



**"Petticoat Fever" with Robert Montgomery, Myrna Loy and Reginald Owen**

(MGM, March 20; time, 80 min.)

A fair comedy, suitable chiefly for sophisticated audiences. The rank and file may be disappointed at the fact that most of the action is concentrated in an unpretentious log cabin, which is hardly the type of setting that they expect for a Montgomery-Loy picture. The action is somewhat slow; it depends for its comedy almost altogether on the dialogue. Montgomery's efforts to win Miss Loy away from Reginald Owen are fairly comical. Most of the laughs are provoked by the blustering manner Owen assumes in trying to overcome Montgomery's efforts. Otto Yamaoka, Montgomery's Eskimo servant, is an amusing character; he tries to convince Montgomery that he should have an Eskimo girl. There is not much human interest in the story, which is not treated seriously, and none of the characters do anything to awaken sympathy:—

Montgomery, a Labrador wireless operator who had been forced out of England by his titled uncle, is fed up with the solitude his position imposes upon him, his only companion being an Eskimo man servant. Not having seen a beautiful white woman for two years, he is delighted when a motor defect forces Owen's plane down and Owen and his fiancée-companion, Miss Loy, take shelter with him. Montgomery falls in love with Miss Loy at first sight, and gradually wins her love; she promises to marry him, and asks him to tell Owen of their plans. Her happiness is shattered when Winifred Shotter, Montgomery's fiancée from England, arrives to marry him. Miss Loy arranges to leave with Owen and to marry him on the rescue boat; and Miss Shotter goes ahead with plans to marry Montgomery immediately. When Montgomery finds out that her only purpose in coming to Labrador to marry him was his uncle's title and wealth which he had inherited, he leaves her and takes Miss Loy away from Owen just as they were to be married.

The plot was adapted from the stage play by Mark Reed. Harold Goldman wrote the screen play, George Fitzmaurice directed it, and Frank Davis produced it. In the cast are George Hassell, Forrester Harvey, and others.

Suitable for all. *Class A.*

**"Too Many Parents"**

(Paramount, March 20; time, 73 min.)

Excellent family entertainment! The story, which revolves around a group of boys at a military school, has human appeal, comedy, and pathos; the only thing it lacks is box-office names. The acting of George Ernest, as the boy who suffers because of his father's inattention; by Billy Lee, the smallest of the group, who is adorable; by Sherwood Bailey, as an heir to millions who forgets his superiority when he comes in contact with the other boys; by Douglas Scott, as the intellectual member of the group, and by Buster Phelps, is unusually good. Several situations bring tears to one's eyes. The situation in which Doris Lloyd, Douglas' mother, who had invited his four friends to her home for Christmas, tucks them in and kisses them goodnight, is one of them. But the most pathetic situation is that in which George is disgraced by having his sword taken away from him. This was done because the school authorities had found out that the letters George was presumably receiving from Lester Matthews, his father, had been written by himself; George had done this to protect his father from the insults of his classmates, who laughed because Matthews had never called on George or written him any letters. The closing scenes, in which George attempts to kill himself, only to be rescued by his father who had arrived at the school, are exciting. There is some good comedy in the scenes showing the youngsters in a school play; their singing and dancing should provoke hearty laughs. The romance between Matthews and Frances Farmer, the school secretary, is pleasant; it ends in marriage, which brings happiness to George, who had always been fond of Miss Farmer.

Jesse Lynch Williams and George Templeton wrote the story, and Virginia Van Upp and Doris Malloy the screen play. Robert F. McGowan directed it, and Jack Cunningham was the associate producer. In the cast are Porter Hall, Henry Travers, Sherwood Bailey, Colin Tapley, and others.

Excellent for all. *Class A.*

**"Everybody's Old Man" with Irvin S. Cobb, Rochelle Hudson and Norman Foster**

(20th Century-Fox, March 27; time, 83½ min.)

Very good; it was made in 1933 by Warner Bros., under the title "The Working Man," with George Arliss as the star. The only difference here is that the business involved is that of canned foodstuffs instead of shoes. As in that picture, there is plentiful human interest and comedy, and the romance is charming. The comedy is provoked by the methods Irvin S. Cobb employs to cure Norman Foster, his nephew, of his egotism and at the same time prove to him that old age is no detriment in business as long as a person's brains function well. What makes the spectator sympathize with Cobb is the fact that he does not show traces of meanness—his actions are motivated by a desire to help others. He even shows a willingness to work against his own business in order to establish order in the business affairs of his rival company because of his fondness for Rochelle Hudson and Johnny Downs, who had inherited the rival business but had no idea as to how to conduct it. The manner in which he brings Foster, Miss Hudson, and Downs to their senses provokes many laughs. There is a pleasant romance between Miss Hudson and Foster, who meet under amusing circumstances—when Miss Hudson obtains a position in Foster's factory under an assumed name. The ending, in which Cobb confronts the three young folk, revealing his identity, at the same time bringing about a merger between the two companies, is clever.

The plot was suggested by the story by Edgar Franklin; Patterson McNutt and A. E. Thomas wrote the screen play. James Flood directed it and Bogart Rogers was the associate producer. In the cast are Alan Dinehart, Sara Haden, Donald Meek, Warren Hymer, and others.

Those who saw "The Working Man" may complain that they have seen this picture before.

Suitable for all. It is a wholesome entertainment, the kind that should interest young as well as old people. *Class A.*

**"The Amateur Gentleman" with Douglas Fairbanks, Jr. and Elissa Landi**

(United Artists, March 20; time, 97 min.)

A pretty good costume action melodrama, produced skillfully. A great deal of attention has been paid to reproducing the particular period realistically, and this makes the picture more interesting. It is somewhat slow in getting started, and for that reason the first half drags. But the second half is exciting and holds one in suspense. Fairbanks awakens one's sympathy by his bravery and efforts to clear his father's name. Men will enjoy the scenes that show the bout between Fairbanks and a professional pugilist, in which Fairbanks comes out the victor. The most exciting situation is that in which Frank Pettingell, Fairbank's father, escapes from prison. Another exciting situation is that in which Fairbanks leads the actual criminal on to an exciting coach chase, after which he traps him. The romantic interest is pleasant:—

Pettingell, keeper of an inn which was frequented by titled gentlemen, is arrested for having stolen pearls from Athole Stewart, a Prince. He is sentenced to die. Fairbanks, his son, knows that his father is innocent, and is certain that the theft had been committed by one of the titled gentlemen who had been present at the inn at the same time that Stewart was there. With money supplied to him by his father's faithful assistant, Fairbanks poses as a gentleman and becomes acquainted with nobility. He meets and falls in love with Elissa Landi, the Prince's granddaughter. At first he had suspected Hugh Williams, her brother, but soon finds out that he had been mistaken. When she hears his story, she promises to give him her help. Eventually Fairbanks is able to prove that Basil Sydney, Miss Landi's fiancé, was the culprit and also the murderer of his mistress. Pettingell is pardoned. Miss Landi, having fallen in love with Fairbanks, accepts his proposal of marriage.

The plot was adapted from the novel by Jeffrey Farnol. Clemence Dane and Sergei Nolbandoo wrote the screen play. Thornton Freeland directed it and Marcel Hellman produced it. In the cast are Gordon Harker, Coral Brown, Margaret Lockwood, Esme Percy, and others.

Not suitable for children, adolescents, or Sundays. Adult entertainment, chiefly for class audiences. *Class B.*



### **"Brides Are Like That" with Ross Alexander and Anita Louise**

(*First National, April 18; time, 66 min.*)

An extremely amusing domestic comedy of program grade. It will be appreciated by the masses because it concerns everyday folk whose problems are similar to those confronting many people today. The comedy is provoked by Ross Alexander, a show-off type, but likeable; he believed in flattering others so as to make them happy. The situation in which he convinces Richard Purcell, his rival for the affections of Anita Louise, that marriage is a dangerous step for a man to take, should provoke hearty laughs, for Purcell takes him seriously, not realizing that Alexander's motive was to get rid of him. There are other amusing situations in which Alexander's uncle, Joseph Cawthorn, participates. The romance between Alexander and Miss Louise is charming:—

Alexander, a happy-go-lucky young man, is supported by Cawthorn, his uncle, who berates him for not working. Alexander marries Miss Louise, against the wishes of her parents, and, as usual, depends on Cawthorn to support him. But Cawthorn resents this and tells Miss Louise that Alexander will go to jail unless he pays the bills for goods he had bought. But Alexander's enthusiasm is not dimmed; he perfects a crate in which to pack apples to keep them fresh; he then enters into an agreement with the apple association to supply them with these crates. He sells an interest in his profits to Cawthorn and Gene Lockhart, his father-in-law, for a one-half interest in their respective businesses. Miss Louise is delighted at her husband's business acumen.

The plot was adapted from the play "Applesauce" by Barry Connors; Ben Markson wrote the screen play, William McGann directed it, and Bryan Foy supervised it. In the cast are Kathleen Lockhart, Richard Purcell, Mary Treen, and others.

Suitable for all. *Class A.*

### **"Doughnuts and Society" with Louise Fazenda and Maude Eburne**

(*Mascot, March 20; time, 69 min.*)

This slapstick comedy should prove fairly entertaining to small town and neighborhood audiences. There is nothing novel about the story, which revolves around the efforts of a newly rich family to crash into society; but since it has been treated in a comedy vein it keeps the audience laughing. The comedy is provoked by the antics of Maude Eburne, the society crasher, and Louise Fazenda, her lifelong friend who has no use for society. The situation in which Miss Fazenda breaks up a swanky party given by Miss Eburne reminds one of the happy Mack Sennett comedy days. The romance between Eddie Nugent and Ann Rutherford, the children of the two friends, is pleasant:—

Miss Eburne and Miss Fazenda, partners in a doughnut stand, are good friends, despite their constant bickering. When Miss Eburne leases her claim to a mine in Alaska for a large sum of money and a share in the profits, she decides to crash society with her daughter, Miss Rutherford; but Miss Fazenda refuses to join her. Their children, being in love with each other, are sorry to be parted. Miss Eburne engages several persons to teach her the ways of society, and gives a large party to introduce her daughter. Rafael Corio, a gigolo posing as a member of nobility, fascinates Miss Rutherford; this annoys Nugent. Miss Fazenda goes into the garage business and becomes successful; but she is eventually ruined by racketeers, because she refuses to sell her business to them. Miss Eburne learns that her mine is worthless. The friends go back into their doughnut business. Miss Rutherford and Nugent marry.

The original story and screen play is by Karen DeWolf, Robert St. Clair, and Wallace MacDonald. Lewis D. Collins is the director and William Berke the supervisor. In the cast are Hedda Hopper, Franklin Pangborn, Smiley Burnette, and others.

Suitable for all. *Class A.*

### **"Charlie Chan at the Circus" with Warner Oland**

(*20th Century-Fox, April 3; time, 71 min.*)

Pretty good! It is a fairly engrossing murder mystery melodrama, keeping one guessing as to the murderer's identity, which is not disclosed until the end. It has some good comedy situations, provoked by the cagerness of Keye Luke, Warner Oland's son, to help his father solve the crime; his efforts to make love to a circus performer who

repulses him provoke laughs, too. As in the previous Chan pictures, Oland is a delightful character; his use of Chinese proverbs still has an amusing effect. The circus background offers an exciting and at times eerie setting. Several of the situations hold one in suspense. The situation in which an attempt is made to kill Oland while he is asleep in a compartment on the circus train is exciting. Oland solves the crime in a logical manner, although the means he uses to trap the murderer have been used before.

Oland and his family arrive at the circus to have a good time. He is sorry when he is approached by Paul Stanton, one of the owners, on a matter of business. He promises to help Stanton, who was worried because he had been receiving threatening letters. Oland arranges a meeting place for later in the evening; when he arrives there he finds Stanton dead from strangulation. Francis Ford, the other owner, asks Oland's help in finding the murderer. He promises to do all he can. An attempt is made to kill a trapeze performer, who had been engaged to Stanton. Oland finally proves that J. Carrol Naish, a Hindu traveling with the circus, had killed Stanton because he knew too much about his past.

Robert Ellis and Helen Logan wrote the original screen play. Harold Lachman directed it, and John Stone produced it. In the cast are Shirley Deane, George and Olive Brasco, Maxine Reiner, John Maguire, and others.

Because of the murder it may be unsuitable for children or Sundays. Good for adults. *Class B.*

### **"Two In Revolt" with John Arledge, Louise Latimer and Moroni Olsen**

(*RKO, April 3; time, 64½ min.*)

This animal picture is good entertainment of its kind. But its appeal will be limited to animal lovers for it is primarily a story of a horse (Warrior) and a dog (Lightning.) The plot is thin and, insofar as it relates to the humans, incidental. The intelligence displayed by the two animals is remarkable. The scenes in which one animal is shown coming to the other's assistance when the one is in danger hold the spectator in tense suspense. For instance, in one situation Lightning, who had run away from home and joined a pack of wolves, comes upon Warrior and recognizes him as his former playmate; he fights off the wolves and prevents them from attacking the horse. The closing scenes, in which Lightning urges Warrior on to win a race, are clever. There are a few good comedy situations in the first half, where Lightning, as a pup, causes trouble by his playfulness. John Arledge wins one's sympathy by his kindness towards the animals and by his efforts to do the right thing. The romance between him and Louise Latimer, his employer's daughter, is pleasant.

In the development of the plot Arledge, employed by Moroni Olsen as race horse trainer, takes great pride in what he had accomplished with Warrior. The horse shows such possibilities that he is stolen from the stables by a racer who had seen him at a trial run. Warrior escapes and wanders off, joining a pack of wild horses. Arledge sets out to find Warrior. With the help of Lightning, who had met and recognized Arledge as his former owner, he finds him. Warrior wins the big race, and everyone, including Lightning, is jubilant. Arledge obtains Olsen's consent to marry Miss Latimer.

Earl Johnson wrote the story and Ferdinand Reyher, Frank Howard Clark and Jerry Hutchison the screen play. Glenn Tryon directed it and Robert Sisk produced it. In the cast are Harry Jans, Willie Best, and others.

Suitable for all. *Class A.*

### **THE INDIANA STORE LICENSE LAW**

The State of Indiana has a Chain Store License Law by which the license for stores that belong to one chain depends upon the number of stores the chain operates. The more the stores the higher the license per store.

It would be well for the exhibitors of each state to obtain a copy of this law and study it with a view to having some attorney draft a similar law, with modifications, setting mainly, a higher sum per theatre of chains that own a large number of theatres, having it introduced in the different state legislatures, and then making an effort to have the bills enacted into laws.

If you wish to obtain a copy of this law, communicate with the secretary of your organization and request him to write to the Treasury Department of the State of Indiana, asking for a copy of the Gross Income Tax Act of 1933 and Store License Law, as Amended by Act of 1933.



a representative of the National Council of Catholic Women, of which Bishop Noll is, as said, spiritual head, sent a representative to the House Committee hearing to speak for the Bill, as stated editorially in last week's issue.

HARRISON'S REPORTS is inclined to believe that Father Daly's opposition to the Neely-Pettengill Bill is the result of a misunderstanding—the same kind of misunderstanding that prompted his reviewing committee to place a picture motivated by a rape and a lynching in the list that approves pictures for women and children.

### **SIDNEY KENT'S QUEER PROPOSAL FOR A NEW BILL**

In arguing before the House sub-committee against the Neely-Pettengill Bill at the hearing last week, Sidney Kent, president of Twentieth Century-Fox, asserted that the measure, if enacted, would work an inequality as to the rights of distributors and exhibitors, in that the exhibitors would be permitted to buy in blocks whereas the distributors would be forbidden to sell in blocks. He then made the startling statement to the effect that if a bill were proposed to compel the distributor to sell and the exhibitor to buy one picture at a time, after previewing, he would support it.

How insincere is such a proposal may be evidenced when one bears in mind that the opposition of the producer side of the industry to the Neely-Pettengill Bill has been based on the theory that the Bill will prevent the exhibitor from buying in any other way than one picture at a time. Such a prohibition, the producers have asserted all along, will ruin the industry by the inability of the producer to secure advance sales for his product. The arguments advanced in the Hays propaganda bulletin, "The Wholesale Distribution of Motion Pictures," an analysis of which was made in several articles that were printed in this paper recently, were based on the same assertion—that the Bill would compel the exhibitor to buy one picture at a time.

The insincerity of such a proposal lies in this: No exhibitor would support a bill that would forbid him to buy more than one picture at a time. If the exhibitor representatives at the hearing had fallen into the trap laid for them by Sidney Kent, they would have been discredited by the exhibitors, and the chances of having a bill of any kind to outlaw block-booking and blind-selling would have been lost forever.

If the moving picture producers were to propose a bill such as Sidney Kent has suggested the exhibitors of the United States would fight it, for they know very well that if they were to favor it and they had a chance to put it through, it would kill independent production even if it did not harm the major companies, for the independent producer could not finance himself if he had to make a picture and show it before he would be permitted to sell it.

The proposal was, of course, made for the purpose of confusing the issue—that is too evident. But suppose the House Committee took Sidney Kent at his word! A fine time would be had by all fighting against the new measure.

HARRISON'S REPORTS wonders how other industry leaders, such as Nicholas Schenck, Joseph Schenck, Louis B. Mayer, John E. Otterson, Harry M. Warner, Merlin Aylesworth, Harry and Jack Cohn, and Mr. Spitz, and how institutions such as the Chase National Bank, the Atlas Corporation and all the others, feel about the Kent proposal which, if it should materialize, would bankrupt the entire industry!

The following extract has been taken from the record (Page 510):

KENT: "Why not put a bill in here and pass it that keeps us from selling one picture until it has been finished and exhibitors have had an opportunity to see it?"

"Keep the exhibitors from buying it in the same way, and make the exhibitor select it before he buys it, and then he would not have any alibis.

"I would vote for that bill, but I am opposed to this bill, because it does not do that, and for that reason I am against it."

There is one good thing about this statement of Kent's; it clarifies an issue that has been befuddled by the representatives of the Hays association. The Hays forces, including their exhibitor-leader tools, have been asserting all along that the Pettengill Bill will make it impossible for the exhibitor to buy any other way but one picture at a time. Sidney Kent, in this statement of his before the House Committee, says that the Neely-Pettengill Bill does not compel the exhibitor to buy one picture at a time, and he condemned it on these grounds. Thus Sidney Kent proves distorters of the truth all those who have asserted that if the Neely-Pettengill Bill were enacted the exhibitors would not be able to buy in blocks.

HARRISON'S REPORTS has challenged these truth distorters to point out what part of the Bill forbids the exhibitor to buy a producer's entire output of the year, if he so desired, but no opponent has so far accepted the challenge. Now that Sidney Kent has confirmed the statements by this paper as well as by accredited exhibitor representatives that the Neely-Pettengill Bill will not, if enacted, prevent an exhibitor from buying at one time all the pictures he would want, but only prevents the distributor from compelling the exhibitor to buy all a producer's entire output in order for him to get the pictures he wants, those who have misunderstood the Bill will rally around its supporters.

### **THE DEADLINE FOR THE DIGEST QUESTIONNAIRES**

April 10 will be the deadline for the Digest Questionnaires on contract terms for features; unless such Questionnaires are in this office by that date, they will not be taken into consideration.

If you have not yet returned your copy of the Questionnaire, fill it in and return it at once. In case you have lost your set, send for a duplicate set at once.

When you return your Questionnaire copies, do not fail to return also the green sheet, for without an answer to the questions asked on this sheet the information will not be complete.



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## A REVIEWING SERVICE FREE FROM THE INFLUENCE OF FILM ADVERTISING

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### THE MAJORS TO TURN OUT CHEAP PROGRAM PICTURES

"Fighting dual bills on one hand and attempting to take advantage of the double-feature situation on the other," Douglas W. Churchill, the well informed Hollywood correspondent, wrote in his column, which appeared in the March 8 issue of the *New York Times*, "the studios are formulating plans for the coming year which will probably increase the number of films from the 460 made this season to about 600 for the 1936-37 season. The greatest activity will be in the so-called B product, with every studio lot increasing the number of pictures deliberately made for second place on theatre programs. . . ."

Under the heading, "A Menace to the Independent," Jay Emanuel, publisher of "The Exhibitor" (Philadelphia, New York, Washington), wrote partly as follows in an editorial that appeared in his March 10 issue:

"Reports from two industry divisions—production and exhibition—prove that the spread of the double feature practice is not a positive guarantee that the independent producers will benefit from it.

"Hollywood advices not only tend to indicate that the 1936-37 season will bring about more features from the major companies but any exhibitor looking at current releases can see how double feature programs have not been neglected by the majors. . . ."

The exhibitor who will rush to buy a pig in a poke for the 1936-37 season may find out, when the pictures are delivered to him, that he had bought just so many independent pictures labeled with the brand of a major company.

The sad part of it, however, will be that, for his major-labeled independent product, he will pay three or four times what he pays for genuine independent product.

I don't know whether it will do any good to advise impatient exhibitors not to rush to buy pictures for the 1936-37 season, but to wait until the seasonal announcements are made so that they may at least have some idea, however, imperfect, of what each producer will offer; for, no matter how sensible the advice, most exhibitors will disregard it. But there may be one exhibitor who will heed it; it is to him that these words of counsel are directed.

### THE AA PARAMOUNT PICTURES

According to *Film Bulletin*, of Philadelphia, Paramount will put out another class of pictures for the 1936-37 season—the "AA" brand. The "A" pictures will be the program pictures of the firm, and the "AA" will be what the "A"'s were during the 1936-37 season.

If that is true, it is the opinion of HARRISON'S REPORTS that Paramount has not adopted the proper kind of letters for labelling its product; what it should really do is to drop all the "A"'s and mark its best pictures "BB"'s and the others "CCC"'s. Under such accurate labeling, the exhibitors may be prompted into paying the same prices as they paid this company in the 1935-36 season.

### REAPING THE WHIRLWIND

Under the heading, "Merriam Merger," the March 23 issue of *Time*, the famous magazine which is published in New York but which circulates nationally, the following article was printed:

"California's egg-headed Governor Frank Merriam has done his best to deserve Columnist Westbrook Pegler's description of him as 'a statesman who can be relied on to condemn the housefly and the common cold . . . never straddling the proposition that right is right and wrong is wrong.' In 21 months of Republican incumbency, he has flirted with Dr. Francis E. ('\$200-a-month') Townsend's plan, been for and against the New Deal, interested in the Mooney case but not interested enough to do anything about it.

"Months ago he called Franklin Roosevelt a heaven-sent gift to the U. S. people. Last week he announced that he 'could not spare the time' to run for President himself, graciously endorsed Governor Alfred Mossman Landon of Kansas as the second best choice. Observers, quick to see the hand of Publisher William Randolph Hearst behind the move, thought the probable split in California's Republican ranks would be more than Governor Merriam bargained for."

The Merriam record of *Time* would have been complete if it would give the facts of how hard the moving picture producers worked to elect him Governor of California, and how nicely Governor Merriam double-crossed them. Merriam was running against Upton Sinclair and the producers were horrified, of course, with Sinclair's Epic, a program that called for the payment of a certain amount of money to each citizen of California. To pay that money the state would have to "soak the rich" in taxes, particularly high-salaried persons. And of course the producers could not condone such a program. Thereupon they started a campaign against Sinclair, going so far as to show on the screen "shots" from the Warner picture, "Wild Boys of the Road," depicting scenes of "bums," in an effort to make Californians believe that they were tramps who were attracted to California by Upton Sinclair's programs.

(Continued on last Page)



**"O'Malley of the Mounted" with  
George O'Brien and Irene Ware**

(20th Century-Fox, March 27; time, 59 min.)

A fair western. It has been produced well, and is set against a beautiful scenic background; but it lacks real thrilling action. The closing scenes, in which George O'Brien traps the gang of bandits, are the most exciting. The plot is familiar. There is a pleasant romance:—

O'Brien is assigned to capture a gang of outlaws operating in the United States, close to the Canadian border, and who had their hideout in Canada. Posing as an outlaw, he is thrown into jail. He makes James Bush, his cellmate, connected with the gang, believe he is his friend; Bush swears to him that he was not guilty, that he had been framed by the gang. O'Brien promises to help Bush escape with him, on condition that he take him to a good hideout. Bush's sister, Irene Ware, helps them to escape. They all go to the hideout of the gang, which was headed by Stanley Fields. O'Brien gets all the evidence he needs. With the help of Miss Ware, he gets a message through to the Mounted Police, who trap the gang during a bank holdup. O'Brien obtains a confession from one of the gang clearing Bush's name. Miss Ware and O'Brien marry.

The plot was adapted from the story by William S. Hart. Dan Jarrett and Frank Howard Clark wrote the screen play. David Howard directed it and Sol Lesser produced it. In the cast are Victor Potel, Dick Cramer, and others.

Suitable for all, where Westerns are shown.  
*Class A.*

**"Sutter's Gold" with Edward Arnold  
and Binnie Barnes**

(Universal, April 13; running time, 94 min.)

Lavishly produced, but only moderately entertaining. It lacks human appeal, for Sutter, the leading character (played by Edward Arnold), fails to awaken the spectator's sympathy. The story is a disconnected series of events in Sutter's life, told without the usual thrills that accompany pictures of this type. Characters are brought into the story who are of no significance; as, for instance, the Russian Countess (Binnie Barnes); her relationship with Sutter in no way influences his actions. Sutter leaves his wife and children in Switzerland to go to America to make his fortune and soon forgets all about them. This seems strange to the spectator for, in the opening scene, he is shown as being a simple man, extremely fond of his wife and children. This makes the character inconsistent, and so unsympathetic. His actions are not inspiring because his motives for settling in America are not exactly of the pioneering type, but more for greed and power. For that reason one does not feel pity for him when he eventually loses his land. The fact that he becomes reconciled with his wife after an absence of many years does not alter one's feelings towards him, for this reconciliation is not brought about of his own accord but through the thoughtfulness of Tracy.

In the development of the plot Sutter, accused of a murder unjustly, leaves Switzerland for America. He forms a friendship with Tracy, and induces him to join him on a trip to California. He books passage on a ship carrying slaves. The Captain is so tyrannical that Sutter, with the help of the crew, takes over the ship and lands in California. His

request for land is granted, and he settles there with the slaves. After much struggling and starvation, and with the eventual help of the Russian fur traders, he rises to power, ruling over a vast area of land. He becomes infatuated with a Russian Countess who was visiting in California. When she returns a few years later he asks her to marry him, neglecting to tell her that he already had a wife and children; Tracy tells her of this. Gold is discovered on Sutter's land. People rush there from all parts of the country, setting up claims, and disregarding Sutter's rights. The Countess, realizing that Sutter is no longer powerful, leaves him. Tracy sends for Sutter's wife and children. She becomes ill, but before she dies begs Sutter to keep on fighting to regain his land. He carries on his fight for years, but dies, a disappointed man.

The plot was adapted from the novel by Blaise de Cendrars. Jack Kirkland, George O'Neil and Walter Woods wrote the screen play. James Cruze directed it and Edmund Grainger produced it. In the cast are Katharine Alexander, Montague Love, Addison Richards, John Miljan, Harry Carey, and others.

Because of the delicate way the affair between Sutter and the Countess has been handled it can hardly be considered unsuitable for adolescents.  
*Suitability, Class A.*

**"Silly Billies" with Bert Wheeler,  
Robert Woolsey and Dorothy Lee**

(RKO, March 20; time, 63 min.)

Aside from the Wheeler and Woolsey fans, this will have little appeal for picture-goers in general. It is a burlesqued version of a Western, minus the usual action and suspense that goes with a picture of that type. The story is used just as a framework for the Wheeler and Woolsey gags, most of which are stupid, not comical. There are a few good laughs, but they are few and far between. Bert Wheeler and Dorothy Lee carry the slight romantic interest in their usual manner. The closing scenes, in which the U. S. Cavalry rushes to the rescue of some settlers who were being attacked by Indians, provide what little excitement the story offers. There is occasional music:—

Wheeler and Woolsey, travelling dentists, arrive in a small Western town and buy a building, not realizing that every one was preparing to leave the following morning to go in search of gold. They are surprised when they find the town empty. Just as they start to leave, they find a covered wagon, with a dead man in it, and a note pinned to him warning the people that they were riding into an Indian trap. They rush after the wagon train and when they arrive try to warn the people of their danger; but no one listens to them. Instead, they take the word of their leader, who was planning with the Indians to attack the travellers and share the spoils, and who was telling them that everything was all right. Wheeler and Woolsey are accused of being traitors. Eventually they trap the villain leader, and save the people. They all rush back to their homes when they hear there is a gold strike in their own town. This means prosperity for the dentists.

Fred Guiol and Tom Lennon wrote the story, and Al Boasberg and Jack Townley the screen play. Fred Guiol directed it and Lee Marcus produced it. In the cast are Richard Alexander, Harry Woods, Ethan Laidlaw, Chief Thunderbird, and others.

Suitable for all. *Class A.*



**"13 Hours by Air" with Fred MacMurray and Joan Bennett**

(Paramount, March 27; time, 77 min.)

A good melodrama. Although most of the action takes place in an aeroplane flying from New York to California, it never becomes tiresome by reason of the fact that something is happening every minute. There are plentiful thrills, caused by the actions of Alan Baxter, a notorious killer, who threatens the lives of the other passengers in his efforts to avoid being taken a prisoner by Brian Donlevy, a detective, also a passenger on the plane. Some of the situations should hold the spectator in tense suspense. The situation in which Fred MacMurray is forced to land his plane in unknown territory during a snow storm is one of them; the audience feels just as limp as MacMurray when the plane finally does land. The story does not deal with any one character; it revolves around the various passengers and shows how the actions of each one affects the others. For instance, Joan Bennett, a wealthy society girl, is the cause of the forced landing, for she had egged Fred MacMurray, the pilot, on after he had received instructions to land. Her purpose in doing this was to get to California in time to prevent her young sister from marrying a Count who was after her money. Fred Keating, the brother of the Count, tries to prevent her from getting there, but MacMurray outwits him. Baxter, the murderer, suspecting that Donlevy is a detective, attempts to drive all the passengers out of the plane and leave them stranded in the snow, so that he might fly the plane to Mexico and escape. The comedy is excellent. It is provoked by Bennie Bartlett, a mischievous boy, who plays practical jokes on every one. The closing scenes in which MacMurray overpowers Baxter and handcuffs him are thrilling. The romance between MacMurray and Miss Bennett is pleasant.

Bogart Rogers and Frank Mitchell Dazey wrote the story, and Bogart Rogers wrote the screen play. Mitchell Leisen directed it, and E. Lloyd Sheldon produced it. In the cast are Ruth Donnelly, and others.

Suitable for all. *Class A.*

**"Moonlight Murder" with Madge Evans, Chester Morris and Leo Carrillo**

(MGM, April 27; running time, 66 min.)

A moderately entertaining murder mystery melodrama. It should keep the audience guessing as to the identity of the murderer, which, when it is disclosed, comes as a surprise for the motive of the crime is somewhat novel—that of a mercy killing. By having the murder committed at the Hollywood Bowl during an operatic performance, the producers have been able to insert excerpts from the opera "Il Trovatore" without retarding the action. The situation where Leo Carrillo, who had been threatened with death if he sang that night, goes before the microphone to sing, holds one in tense suspense. The constant whining by Robert McWade, the police inspector, who treats his men like children is annoying. The romance between Morris and Madge Evans is pleasant but unimportant:—

Carrillo, an operatic tenor, has many enemies because of his various affairs with women. He receives threats warning him not to appear at an important performance, but he disregards them. In the midst of singing an aria before a microphone

he dies. All the members of the opera company are questioned by McWade, and although each one had a motive for killing him, McWade cannot pin the murder on any one. Morris finally solves the murder, and forces a confession from Grant Mitchell, a doctor. He had put the poison in the microphone in a glass tube which burst from the vibration of Carrillo's voice. Carrillo had then inhaled the poison and died. Mitchell had done this because he had a deep affection for Carrillo, who was suffering from a throat ailment that would mean a lingering and painful death; he wanted him to die painlessly, at the height of his career. Miss Evans, Mitchell's niece, who had been working on the case with Morris, her sweetheart, is heartbroken; she is consoled by Morris.

Albert J. Cohen and Robert T. Shannon wrote the story, and Florence Ryerson and Edgar Allan Woolf the screen play. Edwin L. Marin directed it, and Lucien Hubbard and Ned Marin produced it. In the cast are Frank McHugh, Benita Hume, Katharine Alexander, J. Carrol Naish, H. B. Warner, and others.

Not for children, adolescents, or Sundays. Adult entertainment. *Class B.*

**"Snowed Under" with George Brent and Genevieve Tobin**

(First National, April 4; time, 63 min.)

A fair farce. Although the story is somewhat ridiculous, some of the situations provoke laughs. But no one does anything to awaken the spectator's sympathy. As a matter of fact, the actions of some of the characters are annoying. For instance, Patricia Ellis, a debutante, pursues George Brent, an author, and tries to make him admit that he loves her; she acts like a stupid school-girl. Most of the comedy is provoked by Frank McHugh, as a Sheriff's assistant, who is thwarted in his efforts to arrest Brent, on the complaint of his second wife, Glenda Farrell, for non-payment of alimony. The comedy starts when all the parties involved arrive at the cabin where Brent, who wanted to write a play, was hiding out. The squabbling between Miss Ellis, Miss Farrell, and Miss Tobin, the first wife who had arrived to help Brent finish his play, may prove distasteful to some spectators; their cackling raps on one's nerves.

In the development of the plot Miss Tobin convinces Miss Farrell, who had come to the cabin with John Eldredge, her lawyer, that she will collect her alimony if she will desist in her efforts to arrest Brent and permit him to finish his play. But she finds it more difficult to quiet Miss Ellis, who annoyed Brent with her attentions and her efforts to help him write the play; but this is finally accomplished by Eldredge, who wins Miss Ellis' love. Brent finishes the play. Miss Farrell is satisfied that she will receive her alimony, and is happy that she made a new conquest in McHugh. Brent confesses that he still loves Miss Tobin, and regretted that he had ever parted from her. Miss Tobin promises to remarry him.

Lawrence Saunders wrote the story, and F. Hugh Herbert and Brown Holmes the screen play. Raymond Enright directed it, and Harry Joe Brown supervised it. In the cast are Porter Hall, Helen Lowell, and others.

Although there is nothing immoral in the story, it is more suitable for adults than for children. Suitability, *Class B.*



As a result of their campaign, Merriam was elected Governor of California. But what happened to the producers? Governor Merriam introduced a tax program that was even more stringent than the program Sinclair contemplated. For a long time they threatened to quit California. As a matter of fact, one of them did quit—William Randolph Hearst.

It may be truthfully said that the producers, having sown the wind, have reaped the whirlwind.

### A CORRECTION

In the issue of HARRISON'S REPORTS of March 7, under the heading, "The Hearing on the Neely-Pettengill Bill," there was said in the paragraph devoted to Mr. Walter Littlefield, the following:

"To the statement of Pettijohn that the producers cannot help if the Mae West pictures draw the public, he [Walter Littlefield] stated that he himself showed the pictures, but afterwards he had to admit to his patrons that he had made a mistake and apologized to them."

What happened is this: Pettijohn accused Mr. Littlefield of having shown the Mae West pictures. But when he, Pettijohn, found out that he was mistaken, he apologized to Mr. Littlefield.

HARRISON'S REPORTS regrets the error, which was inadvertent, and takes this opportunity of correcting it.

HARRISON'S REPORTS takes this opportunity of answering Pettijohn's statement to the committee, by which statement he tried to shake off the responsibility that rests upon the shoulders of the producers for the production of the Mae West pictures and others of this type. He implied that the producers are not to blame if the public patronizes the pictures of Mae West, even though they are demoralizing. There are thousands of persons in the United States who use drugs in some form or other; but the country has passed laws forbidding the sale of narcotics. Should druggists have fought the enactment of the Narcotics Act by putting forward the Pettijohn reasoning?

One may remind Charlie Pettijohn also of the fact that there are laws in every state of the Union forbidding the sale of cigarettes and of liquor to minors. Must the tobacco stores and the saloons resent the enactment of such laws by throwing the blame to the parents, asserting that they should have better sense than allowing their children to buy cigarettes or liquor?

HARRISON'S REPORTS regrets greatly that the producer representatives should have shown fit to descend to personalities at the hearings of the Neely-Pettengill Bill. In order to weaken the cause of the proponents of this Bill, they have attacked some of these proponents personally. It is the old gag, which in many cases works out. Whether it will work out in this instance or not remains to be seen.

### THE HEARING AT WASHINGTON

The hearing of the Neely-Pettengill Bill before the House sub-committee continued last week; and so did the efforts of the producer representatives to discredit the exhibitor witnesses who spoke for the Bill.

George Schaefer accused Nathan Yamins of having permitted in one of his theatres a dirty vaudeville act, and read to the committee part of the dialogue. Yamins was not at the hearing, and no refutation could be made of the accusation at that time.

When he was reached at Miami Beach, Florida, he telegraphed the following statement to Allied headquarters:

"Telegram regarding 'Sunkist Review' at Capitol Theatre on February 29th received. The facts are that the Capitol Theatre is under lease to Independent Amusement Company, of which I control fifty per cent of the stock and the balance owned by William Purcell, who has management control. I left Fall River January 10th and have not returned since. When I left, the policy of the theatre was pictures only. While here I learned that he commenced showing vaudeville on Saturdays. I immediately, on February 28th, wired my objections, threatening to take possession for non-payment of rent unless vaudeville was discontinued, and received letter dated February 28th, which I am forwarding, stating discontinuance of vaudeville as of February 29th. I had as much to do with the booking of 'Sunkist Review,' or as much knowledge of it as Schaefer. . . ."

An Allied leader wrote to this paper as follows:

"The amazing thing about this matter is that the information was sent by a Paramount theatre man to Erbb, the Paramount branch manager, who in turn sent it to Schaefer. In Russia they call it OGPU!"

HARRISON'S REPORTS cannot yet understand what the individual acts of the witnesses have to do with the principle of the thing. If block booking is wrong, why should the producer representatives try to prove it such by citing the acts of the witnesses? It must be right! This is evidenced by the fact that these representatives are resorting to personal abuse on witnesses to becloud the issue. It is, as said, an old gag.

Some of the inconsistencies of the producer representatives may be realized when one reads the record of their testimony. They have asserted that:

1. The industry does not practice compulsory block-booking or blind-selling.
2. Block-booking and blind-selling are necessary to the industry and beneficial to the public. For this reason they should be retained, not abolished.
3. The enactment of the Neely-Pettengill Bill will prove disastrous to the producers, the distributors and the exhibitors, because the producers will not be able to make advance sales of their pictures, and the exhibitors will not be able to buy in blocks, the Bill compelling them to buy one picture at a time.
4. The solution of the block-booking and blind-selling problem lies in the introduction of a bill that would prevent the buying as well as the selling of more than one picture at a time, and then only after the picture has been completed and shown at a preview.

The producer representatives in Washington seem to have acted like drunken men.



## HARRISON'S REPORTS

Vol. XVIII

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No. 14

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Oregon Trail, The—Republic (59 min.)	Not Reviewed
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Petticoat Fever—MGM (80 min.)	50
Preview Murder Mystery—Paramount (60 min.)	38
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Red River Valley—Republic (59 min.)	Not Reviewed
Return of Jimmy Valentine, The—Republic (70 min.)	26
Rhodes—Gaumont-British (88 min.)	42
Rhythm on the River—Warner (See "Freshman Love")	19
Road Gang—First National (61 min.)	34
Robin Hood of Eldorado, The—MGM (84 min.)	46
Sinister House—RKO (See "Muss 'Em Up")	19
Song and Dance Man—20th Century-Fox (72 min.)	46
Song of the Saddle—First National (50 m.)	Not Reviewed
Story of Louis Pasteur, The—First National (85 min.)	26
These Three—United Artists (91½ min.)	42
Three Godfathers—MGM (80 min.)	43
Timothy's Quest—Paramount (64 min.)	27
Too Many Parents—Paramount (73 min.)	50
Trail of the Lonesome Pine—Paramount (107 min.)	35
Two In Revolt—RKO (64½ min.)	51
Voice of Bugle Ann, The—MGM (71 min.)	27
Walking Dead, The—Warner (65 min.)	39
Wife Versus Secretary—MGM (87 min.)	39
Woman Trap—Paramount (62½ min.)	35
Yellow Dust—RKO (68 min.)	34
You May Be Next—Columbia (65½ min.)	31

## RELEASE SCHEDULE FOR FEATURES

## Chesterfield Features

(1540 Broadway, New York, N. Y.)

The Dark Hour—Ray Walker-Irene Ware	Jan. 9
The Little Red School House—Coghlin-Moore	Feb. 15

## Columbia Features

(729 Seventh Ave., New York, N. Y.)

## 1934-35 Season

5006 A Feather in Her Hat—Lord-Barrie	Oct. 24
5002 Deeds Goes to Town (Opera Hat)—Cooper	Apr. 12
5037 Twenty-Five Dollars An Hour	Rel. date not set

## 1935-36 Season

6036 Dangerous Intrigue—Bellamy-Marsh	Jan. 4
6009 Lady of Secrets—Chatterton-Kruger	Jan. 25
6024 You May Be Next—Sothorn-Nolan	Feb. 6
6016 Hell Ship Morgan—Bancroft-Sothorn	Feb. 8
6005 The Music Goes 'Round—Richman-Hudson	Feb. 27
6205 The Cattle Thief—Maynard (57 min.)	Feb. 28
6027 Don't Gamble With Love—Cabot-Sothorn	Feb. 29
6206 Heroes of the Range—Maynard (51 min.)	Mar. 28
Pride of the Marines—Bickford-Rice	Apr. 2
Devil's Squadron—Richard Dix	Apr. 15

## First National Features

(321 West 44th Street, New York, N. Y.)

970 The Murder of Dr. Harrigan—Cortez-Astor	Jan. 11
953 Ceiling Zero—Cagney-O'Brien-Travis	Jan. 25
956 The Story of Louis Pasteur—Muni	Feb. 22
978 Song of the Saddle—Dick Foran (58 min.)	Feb. 29
964 Road Gang—Woods-Linaker-O'Neill	Mar. 28
971 Snowed Under—Brent-Tobin-Farrell	Apr. 4
951 The Singing Kid—Al Jolson	Apr. 11
972 Brides Are Like That—Alexander-Louise	Apr. 18
959 The Golden Arrow—Davis-Brent-O'Neill	May 9
973 The Law In Her Hands—Lindsay-Hull	May 23
955 Hearts Divided—Davis-Powell-Ruggles	May 30

## Gaumont-British Features

(1600 Broadway, New York, N. Y.)

First a Girl—Jessie Matthews	Dec. 25
King of the Damned—Veidt-Vinson	Jan. 20
Rhodes—Houston	Feb. 20
Secret Agent—P. Lorre-M. Carroll-R. Young	May 1
It's Love Again—J. Matthews-R. Young	May 15

## Invincible Features

(1540 Broadway, New York, N. Y.)

## Beginning of 1935-36 Season

Tango—Marion Nixon-Chick Chandler	Jan. 1
Bridge of Sighs—Stevens-Tree-LaRue	Feb. 5
Brilliant Marriage—Marsh-Walker	Mar. 25

## Mascot Features

(1776 Broadway, New York, N. Y.)

Confidential—Knapp-Cook	Oct. 15
Doughnuts and Society (Along Came a Woman)—Fazenda-Eburne (reset)	Mar. 20

(End of features)

## Metro-Goldwyn-Mayer Features

(1540 Broadway, New York, N. Y.)

## 1934-35 Season

521 The Bohemian Girl—Laurel-Hardy	Feb. 14
(More to come)	

## 1935-36 Season

621 Exclusive Story—Tone-Evans	Jan. 17
620 Tough Guy—Cooper-Stephens-Calleia	Jan. 24
643 Rose Marie—MacDonald-Eddy-Owen	Jan. 31
630 The Voice of Bugle Ann—Barrymore	Feb. 7
622 Garden Murder Case—Lowe-Bruce (reset)	Feb. 21
606 Wife Versus Secretary—Gable-Loy-Harlow	Feb. 28
623 Three Godfathers—Morris-Stone	Mar. 6
No release set for	Mar. 13
645 Petticoat Fever—Montgomery-Loy-Owen	Mar. 20
607 Small Town Girl—Gaynor-Taylor-Stone	Apr. 3
624 Moonlight Murder—Morris-Evans-Carrillo	Apr. 27
651 The Unguarded Hour—Young-Tone	May 10
608 The Robin Hood of Eldorado—Baxter	May 17



## Paramount Features

(1501 Broadway, New York, N. Y.)

3524	Coronado—Down-Burgess-Haley-Erroll	Nov. 29
	No release set for	Dec. 6
3525	Bar 20 Rides Again—Wm. Boyd	Dec. 13
3526	Millions in the Air—Howard-Barrie	Dec. 13
3527	Scrooge—English production	Dec. 20
3528	It's a Great Life—Morrison-Kelly	Dec. 20
3529	Collegiate—Penner-Oakie-Sparks	Dec. 27
3530	The Bride Comes Home—Colbert-MacMurray	Jan. 3
3516	Rose of the Rancho—Boles-Swarthout	Jan. 10
3531	Her Master's Voice—Horton-Crews	Jan. 17
3532	Soak the Rich—Connolly-Taylor-Howard	Jan. 17
3533	Anything Goes—Crosby-Merman-Ruggles	Jan. 24
3534	Timothy's Quest—Whitney-Keene-Moore	Jan. 31
3535	The Milky Way—Lloyd-Menjou-Teasdale	Feb. 7
3536	Drift Fence—Crabbe (56 min.)	Feb. 14
3537	Woman Trap—Michael-Murphy	Feb. 14
3538	Klondike Annie—West-McLaglen (reset)	Feb. 21
3539	Desire—Dietrich-Cooper (reset)	Feb. 28
3540	The Preview Murder Mystery—Denny-Drake	Feb. 28
3541	Call of the Prairie—Boyd-Ellison (66½ m.)	Mar. 6
3542	Give Us This Night—Swarthout-Kiepara	Mar. 6
3543	Trail of the Lonesome Pine—Sidney	Mar. 13
3544	F-Man—Haley-Frawley-Bradley	Mar. 13
3545	Too Many Parents—Hayden-Lee	Mar. 20
3546	Desert Gold—Crabbe-Hunt (58½ min.)	Mar. 27
3547	13 Hours By Air—MacMurray-J. Bennett	Mar. 27
	Big Brown Eyes—J. Bennett-Pidgeon	Apr. 3
	The Moon's Our Home—Sullivan-Fonda	Apr. 10
	Sky Parade—Gargan-DeMille-Taylor	Apr. 17
	Till We Meet Again—Marshall-Michael	Apr. 17
	Fatal Lady—Ellis-Pidgeon-Mowbray	Apr. 24
	Florida Special—Oakie-Drake-Cummings	Apr. 24

## Republic Features

(1270 Sixth Ave., New York, N. Y.)

3556	Westward Ho—John Wayne	Aug. 19
3507	Two Sinners—Sleeper-Kruger	Sept. 16
3508	Cappy Ricks Returns—McWade-Walker	Sept. 23
3502	Forbidden Heaven—Farrell-Henry	Oct. 5
3558	New Frontier—John Wayne (54 min.)	Oct. 5
3567	Melody Trail—Gene Autry	Oct. 14
3530	Spanish Cape Mystery—Cook-Twelvevrees	Oct. 17
3546	Crime of Dr. Crespi—Von Stroheim	Oct. 21
3547	Racing Luck—Bill Boyd (60 min.)	Oct. 28
3562	Lawless Range—John Wayne (59 min.)	Nov. 4
3566	Tumbling Tumbleweeds—Gene Autry	Nov. 9
3532	\$1000 a Minute—Pryor-Hyams	Nov. 15
3550	Burning Gold—Bill Boyd (60 min.)	Dec. 1
3524	Forced Landing—Ralston-Stevens	Dec. 2
3568	The Sagebrush Troubador—Autry (54 m.)	Dec. 2
3518	Frisco Waterfront—Twelvevrees-Lyon	Dec. 5
3537	Hitch Hike Lady—Skipworth-Clarke	Dec. 28
3569	The Singing Vagabond—Autry (52 min.)	Jan. 5
3560	The Oregon Trail—John Wayne (59 min.)	Jan. 18
3526	The Leavenworth Case—Foster-Cook	Jan. 20
3525	Dancing Feet—Lyon-Marsh-Nugent	Jan. 31
3531	Return of Jimmy Valentine—Pryor	Feb. 14
3557	Lawless Nineties (G-Men of the Nineties)— John Wayne	Feb. 15
3501	Leathernecks Have Landed—Ayres-Jewell	Feb. 22
3570	(3568) Red River Valley—Autry (reset)	Mar. 2
3559	King of the Pecos (West of God's Country)— John Wayne	Mar. 9
3522	Laughing Irish Eyes—Regan-Knapp (re.)	Mar. 15
3548	Federal Agent—William Boyd	Mar. 15
3505	House of a Thousand Candles—Holmes (re.)	Apr. 1
3571	Gallop! Minstrel—Gene Autry	Apr. 10
3504	Girl From Mandalay—Lineker-Nagel	Apr. 15
3506	The Harvester—Brady-Rutherford	Apr. 30

## RKO Features

(1270 Sixth Ave., New York, N. Y.)

616	Two in the Dark—Abel-Grahame	Jan. 10
617	Chatterbox—Ann Shirley	Jan. 19
622	The Lady Consents—Harding-Marshall	Feb. 7
619	Muss 'Em Up—Foster-Callahan-Mowbray	Feb. 14
613	Follow the Fleet—Rogers-Astaire	Feb. 21
620	Love on a Bet—Raymond-Barrie	Mar. 6
618	Yellow Dust—Richard Dix-Leila Hyams	Mar. 13
623	Silly Billies—Wheeler-Woolsey-Lee	Mar. 20
624	Farmer in the Dell—Stone-Parker	Mar. 27
621	Two in Revolt—Arledge-Latimer	Apr. 3
625	Murder on the Bridle Path—Gleason	Apr. 17
626	The Witness Chair—Harding-Abel	Apr. 24

## Twentieth Century-Fox Features

(444 West 56th Street, New York, N. Y.)

606F	Navy Wife—Trevor-Bellamy-Darwell	Nov. 29
621T	Show Them No Mercy—Hudson-Romero	Dec. 6
622F	Your Uncle Dudley—Horton-Wilson	Dec. 13
623F	Whispering Smith Speaks—G. O'Brien	Dec. 20
624F	The Little Rebel—Shirley Temple	Dec. 27
625F	King of Burlesque—Baxter-Faye-Oakie	Jan. 3
626F	Charlie Chan's Secret—Oland-Lawrence	Jan. 10
627F	Paddy O'Day—Withers-Tomlin	Jan. 17
628T	Professional Soldier—McLaglen-Stuart	Jan. 24
630F	My Marriage—Trevor-Taylor	Jan. 31
637F	Every Saturday Night—Prouty-Lang	Feb. 7
631T	It Had to Happen—Raft-Russell	Feb. 14
633F	Here Comes Trouble—Kelly-Judge	Feb. 21
638T	The Prisoner of Shark Island—Baxter	Feb. 28
636F	The Country Doctor—Dionne-Hersholt (re.)	Mar. 6
642F	Song and Dance Man—Kelly-Trevor	Mar. 13
634F	Everybody's Old Man—Cobb-Hudson (re.)	Mar. 20
640F	Charlie Chan at the Circus—Oland (reset)	Mar. 27
639F	O'Malley of the Mounted—O'Brien	Mar. 27
643F	The Country Beyond—Hudson-Kelly-Kent	Apr. 3
632T	A Message to Garcia—Beery-Stanwyck	Apr. 10
635F	Captain January—Shirley Temple (reset)	Apr. 17
641F	Gentle Julia—Withers-Brown-Hunt	Apr. 24
629F	Champagne Charlie—Cavanagh-Wood (re.)	May 1

## United Artists Features

(729 Seventh Ave., New York, N. Y.)

### Beginning of 1935-36 Season

	The Dark Angel—March-Oberon-Marshall	Sept. 6
	Red Salute—Stanwyck-Young	Sept. 13
	Barbary Coast—Hopkins-McCrea-Robinson	Sept. 27
	Melody Lingers On—Hutchinson-Houston	Nov. 9
	Splendor—Hopkins-McCrea	Nov. 23
	Strike Me Pink—Eddie Cantor-Ethel Merman	Jan. 24
	Ghost Goes West—Donat-Parker	Feb. 7
	Modern Times—Charles Chaplin	Feb. 14
	These Three—Hopkins-Oberon-McCrea	Feb. 28
	Little Lord Fauntleroy—Bartholomew	Mar. 6
	Things to Come—English cast	Apr. 24
	Amateur Gentleman—Douglas Fairbanks, Jr.	Apr. 17
	One Rainy Afternoon—Lederer-Lupino	May 8

## Universal Features

(1250 Sixth Ave., New York, N. Y.)

### 1934-35 Season

A8004	Next Time We Love—Sullivan-Stewart	Jan. 27
A8002	Sutter's Gold—Arnold-Barnes (reset)	Apr. 13
A8001	Showboat—Dunne-Jones-Robeson (reset)	May 4

(End of season)

### 1935-36 Season

A9029	East of Java—Bickford-Young	Nov. 25
A9014	The Great Impersonation—Lowe-Hobson	Dec. 9
A9015	The Invisible Ray—Karloff	Jan. 20
A9043	Sunset of Power—Buck Jones (66 min.)	Jan. 23
A9032	Dangerous Waters (Riverboat Gambler)— Holt-Gibson	Feb. 3
A9044	Silver Spurs—Buck Jones (65½ min.)	Feb. 10
A9025	Don't Get Personal—Eilers-Dunn	Feb. 17
A9007	Love Before Breakfast (Spinster Dinner)— Lombard-Foster (reset)	Mar. 9
A9045	For the Service—Buck Jones (65 min.)	Apr. 6
A9006	Dracula's Daughter—Churchill (reset)	Apr. 20
A9033	Unconscious—Horton-G. Farrell	May 11

## Warner Bros. Features

(321 West 44th Street, New York, N. Y.)

916	Miss Pacific Fleet—Blondell-Farrell	Dec. 14
910	Dangerous—Davis-Tone-Lindsay	Jan. 4
922	Freshman Love—McHugh-Ellis-Hull	Jan. 18
921	The Widow From Monte Carlo—William	Feb. 1
904	The Petrified Forest—Howard-Davis	Feb. 8
923	Man Hunt—Cortez-Churchill	Feb. 15
915	Boulder Dam—Alexander-Ellis-Talbot	Mar. 7
914	The Walking Dead—Karloff-Cortez	Mar. 14
903	Colleen—Keeler-Powell-Blondell-Oakie	Mar. 21
906	I Married a Doctor—O'Brien-Hutchinson	Apr. 25
929	Treachery Rides the Range—Dick Foran	May 2
924	Times Square Playboy—William-Travis	May 16



## SHORT SUBJECT RELEASE SCHEDULE

### Columbia—One Reel

6802	Feminine Invasion—World of Sports (9½m)	Oct. 20
6351	Tetched in the Haid—Barney Google color cartoon (7 min.)	Oct. 24
6404	From the Brink of Eternity—Voice of Experience No. 4—(11 min.)	Oct. 28
6602	Let's Ring Doorbells—Scrappys (7 min.)	Nov. 7
6703	Screen Snapshots No. 3—(9½ min.)	Nov. 8
6953	Stars of Tomorrow No. 3—(10½ min.)	Nov. 10
6954	Stars of Tomorrow No. 4—(10½ min.)	Nov. 10
6405	Voice of Experience No. 5—(10 min.)	Nov. 12
6503	Kannibal Kapers—K. Kat cartoon	Nov. 21
6406	Voice of Experience No. 6—(11½ min.)	Nov. 27
6803	Hunter's Paradise—Sports (9½ min.)	Nov. 30
6303	Bon Bon Parade—Color Rhapsody (8½m.)	Dec. 5
6704	Screen Snapshots No. 4—(9½ min.)	Dec. 6
6407	Voice of Experience No. 7—(9½ min.)	Dec. 8
6352	(6354) Patch Mah Britches—Google cartoon (7 min.)	Dec. 19
6408	Voice of Experience No. 8—(10½ m.)	Dec. 24
6603	Scrappy's Boy Scouts—Cartoon (7½ m.)	Jan. 2
6705	Screen Snapshots No. 5—(9½ m.)	Jan. 3
6955	Stars of Tomorrow No. 5—(11 m.)	Jan. 15
6956	Stars of Tomorrow No. 6—(11 m.)	Jan. 17
6706	Screen Snapshots No. 6—(9½ m.)	Jan. 31
6504	The Bird Stuffer—K. Kat (6 m.)	Feb. 1
6304	Doctor Bluebird—Color Rhapsody (8 m.)	Feb. 5
6804	Ice Cutups—World of Sports (9½ min.)	Feb. 6
6409	Voice of Experience No. 9—(11 min.)	Feb. 25
6604	Scrappy's Pony—Cartoon (6 min.)	Feb. 27
6707	Screen Snapshots No. 7—(9 min.)	Feb. 28
6805	Stop, Look and Guess—World of Sports (9½ min.)	Mar. 9
6806	Thrills with Daredevils—World of Sports (9½ min.)	Mar. 19
6505	Li'l Anjil—K. Kat (6 min.)	Mar. 19
6410	Voice of Experience No. 10—(10 min.)	Mar. 26

### Columbia—Two Reels

6111	I Don't Remember—Langdon No. 2 (18½ m.)	Dec. 26
6112	Unrelated Relations—All Star (18½ m.)	Jan. 9
6113	Just Speeding—All Star (17½ m.)	Jan. 23
6114	Ants in the Pantry—Stooge No. 4—(18 min.)	Feb. 6
6115	Movie Maniacs—Stooge comedy (17½ min.)	Feb. 20
6116	Caught in the Act—Clyde comedy (17½ m.)	Mar. 5
6117	Share the Wealth—Clyde comedy (18 min.)	Mar. 19

### Metro-Goldwyn-Mayer—One Reel

M-325	Let's Dance—Miniatures (8 min.)	Jan. 4
W-345	Bottles—Cartoon (10 min.)	Jan. 11
S-366	Air Hoppers—Sports Parade (10 min.)	Jan. 18
T-306	Victoria and Vancouver—Travel (9 m.)	Jan. 25
M-326	West Point of the South—Miniatures (8m.)	Feb. 1
W-346	Not Yet Titled—Cartoons	Feb. 8
S-367	Table Tennis—Sports Parade (10 min.)	Feb. 15
T-307	Sacred City of the Mayan Indians—Travel-talks (7 min.)	Feb. 22
M-327	Important News—Miniatures (10 min.)	Feb. 29
W-347	Not Yet Titled—Cartoons	Mar. 7
S-368	Not Yet Titled—Sports Parade	Mar. 14
T-308	Japan in Cherry Blossom Time—Traveltalk (9 min.)	Mar. 21
M-328	The Jonker Diamond—Miniatures (10 m.)	Mar. 28

### Metro-Goldwyn-Mayer—Two Reels

C-213	Our Gang Follies of 1936—Our Gang comedy (18 min.)	Nov. 30
R-233	Fiesta de Santa Barbara—Musical Revue	Dec. 7
C-203	Public Ghost No. 1—Chase comedy (20 m.)	Dec. 14
C-224	Top Flat—Todd-Kelly comedy (20 min.)	Dec. 21
P-244	Hit and Run Driver—Crime (20 min.)	Dec. 28
C-214	The Pinch Singer—Our Gang (18 min.)	Jan. 4
R-234	Not Yet Titled—Musical Revue	Jan. 11
C-204	Life Hesitates at 40—Chase com. (15 m.)	Jan. 18
C-225	An All American Toothache—Todd-Kelly (20 min.)	Jan. 25
P-245	Not Yet Titled—Crime Doesn't Pay	Feb. 1
C-215	Divot Diggers—Our Gang com. (15 min.)	Feb. 8
R-235	Not Yet Titled—Musical Revue	Feb. 15
C-205	The Count Takes the Count—Chase (20 m.)	Feb. 22
C-226	Not Yet Titled—Todd-Kelly	Feb. 29
P-246	Not Yet Titled—Crime Doesn't Pay	Mar. 7
C-216	The Lucky Corner—Our Gang (16 min.)	Mar. 14

### Paramount—One Reel

A5-6	Parade of the Maestros—Headliner (10m)	Nov. 15
R5-5	Sport on the Range—Sportlight (9½ m.)	Nov. 22
T5-4	Henry, the Funniest Living American—Betty Boop (6½ min.)	Nov. 22
Sc5-2	It's Easy to Remember—Sc. song (9½ min.) re	Nov. 29
J5-2	Popular Science No. 2—(10 min.)	Nov. 29
V5-8	Countryside Melodies—Varieties (6 m.)	Nov. 29
E5-4	The Spinach Overture—Popeye (8 m.)	Dec. 6
A5-7	Radio Rhapsody—Headliner (9½ m.)	Dec. 6
P5-5	Paramount Pictorial No. 5—(9 m.)	Dec. 6
V5-7	Broadway Highlights No. 5—Var. (10 m.)	Dec. 13
R5-6	The Sporting Network—Sport. (9½ m.)	Dec. 20
V5-9	Lucky Stars—Varieties (10 m.)	Dec. 27
A5-8	Accent on Girls—Headliners (8½ m.)	Dec. 27
T5-5	Little Nobody—Betty Boop cart. (6½ m.)	Dec. 27
P5-6	Paramount Pictorial No. 6—(9½ m.)	Jan. 3
E5-5	Vim, Vigor and Vitality—Popeye (6½ m.)	Jan. 3
V5-10	Shorty at Coney Island—Var. (9½ m.)	Jan. 10
A5-9	Moscow Moods—Headliner (10 m.)	Jan. 17
R5-7	What's The Answer—Sportlight (9½ m.)	Jan. 17
C5-3	Somewhere in Dreamland—Color (8½ m.)	Jan. 17
Sc5-3	No Other One—Screen Song (6½ m.)	Jan. 24
J5-3	Popular Science No. 3—(10½ m.)	Jan. 24
T5-6	Betty Boop and the Little King—cart. (6 m.)	Jan. 31
V5-11	Movie Milestones No. 2—Varieties (9½ m.)	Jan. 31
P5-7	Paramount Pictorial No. 7—(9½ min.)	Jan. 31
A5-10	Movie Melodies On Parade (Seeing Stars)—Headliner (10 min.)	Feb. 7
E5-6	A Clean Shaven Man—Popeye (6 min.)	Feb. 7
R5-8	Finer Points—Sportlight (9 min.)	Feb. 14
V5-12	The Collie—Varieties (9½ min.)	Feb. 21
A5-11	The Star Reporter (Movie Melodies on Parade)—Headliner (9 min.)	Feb. 28
P5-8	Paramount Pictorial No. 8—(9½ min.)	Feb. 28
T5-7	Not Now—Betty Boop cartoon (6½ min.)	Feb. 28
E5-7	Brotherly Love—Popeye (6 min.)	Mar. 6
V5-13	Here Comes the Zoo—Varieties (8½ min.)	Mar. 13
R5-9	Winged Champions—Sportlight (9½ min.)	Mar. 13
C5-4	The Little Stranger—Color class. (7½ m.)	Mar. 13
A5-12	Midnight Melodies—Headliner (10 min.)	Mar. 20
P5-9	Paramount Pictorial No. 9—(9 min.)	Mar. 27
T5-8	Betty Boop and Little Jinnmy—Boop cartoon (5½ min.)	Mar. 27
Sc5-4	I Feel Like a Feather in the Breeze—Screen Song (7½ min.)	Mar. 27
J5-4	Popular Science No. 4—(10 min.)	Mar. 27
V5-14	Broadway Highlights No. 6—Var. (8 m.)	Apr. 3
E5-8	I-Ski Love-Ski You-Ski—Popeye	Apr. 3
A5-13	Breezy Rhythm—Headliner	Apr. 10
R5-10	Sun Chasers—Sportlight (9½ min.)	Apr. 10

### RKO—One Reel

64203	A World Within—Easy Aces (10 m.)	Nov. 1
64403	Beach Masters—Struggle to Live (10½m)	Nov. 8
64101	Molly Moo Cow and the Indians—Rainbow Parade Technicolor (7½ min.)	Nov. 15
64503	Land of Evangeline—World of Parade (10½ min.)	Nov. 22
64204	Etiquette—Easy Aces (9 min.)	Nov. 29
64102	Molly Moo Cow and the Butterflies—Rainbow Parade (7½ min.)	Dec. 6
64602	Pathe Topics—(10½ min.)	Dec. 6
64303	Gentlemen's Sport—Sc. & Sport (11m)	Dec. 13
64103	Molly Moo Cow and Rip Van Winkle—Rainbow Parade (7½ min.)	Dec. 27
64504	Morocco—World on Parade (11 m.)	Jan. 10
64104	Toonerville Trolley (Molly Moo Cow and Robinson Crusoe)—Rainbow Parade (7 m.)	Jan. 17
64603	Pathe Topics—(10 m.)	Jan. 17
64304	Tomorrow's Halfback—Sports (11 m.)	Jan. 24
64205	Winter at the Zoo—Easy Aces (10½ m.)	Jan. 31
64105	The Goose that Laid the Golden Egg—Rainbow Parade (7½ min.)	Feb. 7
64404	Winged Pageantry—Struggle to Live (10)	Feb. 14
64505	Prominent Personalities—World on Parade (11 min.)	Feb. 21
64206	An Old Fashioned Movie—Easy Aces (11)	Feb. 28
64604	Pathe Topics—(10 min.)	Mar. 6
64305	Winter Sports—Screen Sport (11 min.)	Mar. 13
64106	Molly Moo Cow and Robinson Crusoe—Rainbow Parade (7 min.) (reset)	Mar. 20
64207	Not Yet Titled—Easy Aces	Mar. 27
64506	Coral Isle of the Atlantic—World on Parade	Mar. 27



## RKO—Two Reels

63805	Major Bowes—(17½ min.)	Nov. 8
63104	March of Time—Issue No. 8 (19½ min.)	Nov. 15
63602	Tuned Out—Ruth Etting (20 min.)	Nov. 15
63806	Major Bowes—(17 min.)	Nov. 22
63702	Counselitis—Leon Errol (18 min.)	Nov. 22
63203	The Worm Burns—Radio Flash (17 min.)	Dec. 6
63105	March of Time—Issue No. 9 (23 min.)	Dec. 13
63303	Too Many Surprises—comedy (20½ min.)	Dec. 13
63503	Foolish Hearts—Radio comedy (18 m.)	Dec. 27
63403	Gasoloons—Kennedy (15½ min.)	Jan. 3
63106	March of Time—Series 2, No. 1 (19 m.)	Jan. 17
63603	Camera Cranks—Comedy (18½ m.)	Jan. 17
63703	Uppercutlets—Comedy (18 m.)	Jan. 24
63204	Radio Barred—Flash comedy (15½ m.)	Feb. 7
63107	March of Time—No. 2 (20½ min.)	Feb. 14
63304	All Business—Ford Sterling (18½ min.)	Feb. 14
63504	Alladin From Manhattan—Etting (17 min.)	Feb. 28
63404	Will Power—Kennedy (15½ min.)	Mar. 6
63108	March of Time—No. 3 (18 min.)	Mar. 13
63604	A Wedtime Story—Lew Fields (21 min.)	Mar. 20
63704	Down the Ribber—Leon Errol (21 min.)	Mar. 27
63901	Headlines of 25 Years—Special (21 min.)	Mar. 27
63205	Fight is Right—Tom Kennedy (17 min.)	Apr. 10
63109	March of Time—No. 4	Apr. 17
63305	Framing Father—Ford Sterling (16 min.)	Apr. 17
63505	Melody in May—Ruth Etting (19 min.)	May 1

## Twentieth Century-Fox—One Reel

6507	Aladdin's Lamp—Terry-Toon (6 min.)	Nov. 15
1504	Shooting the Record Breakers—Adventures of a News Cameraman (8 min.)	Nov. 22
3604	Argentine Argosy—Along Rd. Romance (9½ min.)	Nov. 22
6508	Southern Horse-Pitality—Terry-Toon (6m.)	Nov. 29
6908	Sorority Blues—Song Hit com. (11 m.)	Dec. 6
6509	Ye Olde Toy Shop—Terry Toon (6 min.)	Dec. 13
6907	Seeing Nellie Home—Song Hit com. (11m.)	Dec. 20
3605	Winter Magic—Along Rd. Romance (8½ m.)	Dec. 27
1505	Filming the Feminine Headliners—Adventures of a News Cameraman (9½ m.)	Dec. 27
6510	The Mayflower—Terry-Toon (6 m.)	Dec. 27
6607	The Game of Jai Alai—Tres. Chest (9 m.)	Dec. 27
6909	Easy Pickin's—Musical (10 m.)	Dec. 27
6511	The Feud—Terry-Toon (6 m.)	Jan. 10
6606	The Seeing Eye—Treas. Chest (10½ m.)	Jan. 17
6512	19th Hole Club—Terry-Toon (6½ m.)	Jan. 24
6603	Manhattan Tapestry—Treas. Chest (10 m.)	Jan. 31
6608	Fisherman's Luck—Treas. Chest (9 min.)	Jan. 31
3606	Hong-Kong Highlights—Along the Road to Romance (9½ min.)	Jan. 31
1506	Filming the Fantastic—Adv. News (9½ m.)	Jan. 31
6513	Hometown Olympics—Terry-Toon (6 min.)	Feb. 7
6514	The Alpine Yodeler—Terry-Toon (6 min.)	Feb. 21
	No release for	Feb. 28
6515	Barnyard Amateurs—Terry-Toon (6 m.)	Mar. 6
6516	Off to China—Terry-Toon (6 min.)	Mar. 20
6609	The Legend of the Lei—Treas. Chest (re.)	Mar. 27
6517	The Western Trail—Terry-Toon	Apr. 3
6518	A Wolf in Cheap Clothing—Terry	Apr. 17
6910	Spooks—Cabin Kids (8½ min.)	Apr. 17

## Twentieth Century-Fox—Two Reels

6207	One Big Happy Family—com. (21½ m.)	Nov. 15
6303	Knockout Drops—Mirthquake (19 min.)	Dec. 6
6304	Choose Your Partners—Mirthquake (20m.)	Dec. 13
6108	Perfect Thirty-Sixes—Mus. com. (18½ m.)	Dec. 20
6109	Three on a Limb—Keaton (19½ min.)	Jan. 3
6208	The Brain Busters—Barnett (18 m.)	Jan. 10
6209	Mixed Policies—Screen star com. (20 m.)	Jan. 17
6110	Thanks Mr. Cupid—Mus. Comedy (18 m.)	Jan. 24
6305	Beware of Blondes—Young Rom. (20½ m.)	Feb. 7
6112	Give 'Im Air—Joe Cook comedy (19 m.)	Feb. 14
6111	Grand Slam Opera—Keaton (21 min.)	Feb. 21
6306	Love in September—Coogan (21 min.)	Mar. 6
6210	Just Plain Folks—Tim & Irene (19½ min.)	Mar. 13
6113	Gold Bricks—Bert Lahr (20½ min.)	Mar. 20
6114	The White Hope—Joe Cook (19 min.)	Mar. 17

## United Artists—One Reel

5	Broken Toys—Silly Symphony (8 m.)	Dec. 19
6	Cock O' The Walk—Silly Symphony (8 m.)	Jan. 9
6	Mickey's Polo Team—Mickey Mouse (8 min.)	Feb. 5
7	Orphans Picnic—Mickey Mouse (8 min.)	Mar. 12

## Universal—One Reel

A9389	Going Places with Thomas #16—(9½ m.)	Dec. 23
A9275	Doctor Oswald—Oswald cartoon (7½ m.)	Dec. 30
A9377	Stranger Than Fiction No. 17—(9 min.)	Jan. 13
A9390	Going Places with Thomas No. 17—(9½ m.)	Jan. 20
A9276	Soft Ball Game—Oswald cart. (7 m.)	Jan. 27
A9277	Alaska Sweepstakes—Oswald cart. (7½ m.)	Feb. 17
A9361	(9163) Skits 'N' Sketches—Nov. (9½ m.)	Feb. 24
A9278	Slumberland Express—Oswald cart. (7 m.)	Mar. 9
A9391	Going Places with Thomas No. 18 (10½m.)	Mar. 9
A9392	Going Places with Thomas No. 19 (9½m.)	Mar. 23
A9279	Beauty Shoppe—Oswald cart. (6½ min.)	Mar. 30
A9378	Stranger Than Fiction No. 18—(9½ m.)	Mar. 30
A9379	Stranger Than Fiction No. 19—(9 m.)	Apr. 13
A9393	Going Places with Thomas No. 20 (9m.)	Apr. 20

## Universal—Two Reels

A9158	Signing Off—Mentone com. (18½ m.)	Feb. 19
A9707	Monster of the Deep—Merri. No. 7 (21 m.)	Feb. 24
A9708	The Tragic Victory—Merriwell No. 8 (18½ m.)	Mar. 2
A9709	Between Savage Foes—Merriwell 9 (19)	Mar. 9
A9710	Imprisoned in a Dungeon—Merriwell No. 10 (19½ min.)	Mar. 16
A9159	Playing For Fun—Mentone (15½ min.)	Mar. 18
A9711	The Crash in the Chasm—Merriwell No. 11 (20½ min.)	Mar. 23
A9712	The Winning Play—Merriwell No. 12 (19½ min.)	Mar. 30
A9501	The Planet of Peril—Flash Gordon No. 1 (20½ min.)	Apr. 6
A9160	The Vaud-O-Mat—Mentone (19 min.)	Apr. 8
A9502	The Tunnel of Terror—Flash No. 2 (20 m.)	Apr. 13
A9503	Captured by Shark Men—Flash 3 (21 m.)	Apr. 20
A9504	Battling the Sea Beast—Flash No. 4 (18m.)	Apr. 27

## Vitaphone—One Reel

1505	Red Nichols and Orchestra—(10 m.)	Jan. 4
1808	Wild Wings—Pepper Pot (9½ m.)	Jan. 11
1402	I Wanna Play House—Mer. Mel. (7 m.)	Jan. 18
1703	Alpine Antics—Looney Tunes (7 min.)	Jan. 18
1906	Steel and Stone—Our Own U. S. (10 min.)	Jan. 25
1606	Vitaphone Celebrities—Vaudville (11 min.)	Jan. 25
1506	Off the Record—Rolf Orch. (10 min.)	Feb. 1
1704	The Phantom Ship—Looney Tunes (8 min.)	Feb. 1
1810	Some Class—Chas. Ahern (11 min.)	Feb. 8
1403	The Cat Came Back—Merrie Mel. (8 min.)	Feb. 8
1607	Vaudeville Unit No. 7—(10 min.)	Feb. 15
1907	Markets—Our Own United States	Feb. 22
1809	Timber Giants—Pepper Pot (10 min.)	Feb. 22
1507	Jolly Coburn and Orchestra—(9½ min.)	Feb. 22
1705	Boom Boom—Looney Tunes (7½ min.)	Feb. 29
1608	Vitaphone Spotlight—(10 min.)	Mar. 7
1404	Miss Glory—Merry Melodies (7½ min.)	Mar. 7
1909	Harbor Lights—Our Own U. S. (10 min.)	Mar. 21
1811	The Half Wit-Ness—Radio Ramblers (11m.)	Mar. 21
1508	Little Jack Little—Mel. Masters (11 min.)	Mar. 28
1609	Vaudeville No. 9—(11 min.)	Apr. 4
1706	The Blowout—Looney Tune (7½ min.)	Apr. 4
1405	I'm a Big Shot Now—Mer. Melody (7½ m.)	Apr. 11
1910	Vacation Spots—Our Own United States	Apr. 18
1801	Pictorial Review—Pepper Pot	Apr. 18
1509	Ramon Ramos & Orch.—Melody Masters	Apr. 18
1707	Westward Whoa—Looney Tunes	Apr. 25

## Vitaphone—Two Reels

1012	Double or Nothing—Phil Harris (21 m.)	Jan. 18
1108	They're Off—Yacht Club Boys (21 m.)	Jan. 18
1029	Study and Understudy (All Girl Revue)—B'way Brevities (22 m.)	Jan. 25
1109	Slide Nellie Slide—Herman Bing (19 m.)	Feb. 1
1013	Between the Lines—Bernice Claire (21 m.)	Feb. 8
1110	Shop Talk—Bob Hope (22 m.)	Feb. 15
1004	King of the Islands—Wini Shaw (18 m.)	Feb. 22
1024	The Stars Can't Be Wrong—Lamour (20½) Feb. 29	
1014	Wash Your Step—Bway. Brevity (22 min.)	Mar. 7
1111	For the Love of Pete—Comedy (22 min.)	Mar. 14
1015	Paris in New York—I. Bordon (22 min.)	Mar. 21
1112	Bob Hope—Comedy Series (21½ min.)	Mar. 28
1025	The Black Network—com. (21½ min.)	Apr. 4
1030	College Dads—Leon Janney (22 min.)	Apr. 11
1113	Slum Fun—comedy	Apr. 11
1016	Olga Baclanova—Bway. Brevities	Apr. 18
1114	Yacht Club Boys—Vitaphone comedy	Apr. 25

## NEWSWEEKLY NEW YORK RELEASE DATES

### Universal News

444	Saturday	Mar. 28
445	Wednesday	Apr. 1
446	Saturday	Apr. 4
447	Wednesday	Apr. 8
448	Saturday	Apr. 11
449	Wednesday	Apr. 15
450	Saturday	Apr. 18
451	Wednesday	Apr. 22
452	Saturday	Apr. 25
453	Wednesday	Apr. 29
454	Saturday	May 2
455	Wednesday	May 6
456	Saturday	May 9
457	Wednesday	May 13

### Fox Movietone

56	Saturday	Mar. 28
57	Wednesday	Apr. 1
58	Saturday	Apr. 4
59	Wednesday	Apr. 8
60	Saturday	Apr. 11
61	Wednesday	Apr. 15
62	Saturday	Apr. 18
63	Wednesday	Apr. 22
64	Saturday	Apr. 25
65	Wednesday	Apr. 29
66	Saturday	May 2
67	Wednesday	May 6
68	Saturday	May 9
59	Wednesday	May 13

### Paramount News

69	Saturday	Mar. 28
70	Wednesday	Apr. 1
71	Saturday	Apr. 4
72	Wednesday	Apr. 8
73	Saturday	Apr. 11
74	Wednesday	Apr. 15
75	Saturday	Apr. 18
76	Wednesday	Apr. 22
77	Saturday	Apr. 25
78	Wednesday	Apr. 29
79	Saturday	May 2
80	Wednesday	May 6
81	Saturday	May 9
82	Wednesday	May 13

### Metrotone News

254	Saturday	Mar. 28
255	Wednesday	Apr. 1
256	Saturday	Apr. 4
257	Wednesday	Apr. 8
258	Saturday	Apr. 11
259	Wednesday	Apr. 15
260	Saturday	Apr. 18
261	Wednesday	Apr. 22
262	Saturday	Apr. 25
263	Wednesday	Apr. 29
264	Saturday	May 2
265	Wednesday	May 6
266	Saturday	May 9
267	Wednesday	May 13

### Pathe News

65270	Wed. (E.)	Mar. 25
65171	Sat. (O.)	Mar. 28
65272	Wed. (E.)	Apr. 1
65173	Sat. (O.)	Apr. 4
65274	Wed. (E.)	Apr. 8
65175	Sat. (O.)	Apr. 11
65276	Wed. (E.)	Apr. 15
65177	Sat. (O.)	Apr. 18
65278	Wed. (E.)	Apr. 22
65179	Sat. (O.)	Apr. 25
65280	Wed. (E.)	Apr. 29
65181	Sat. (O.)	May 2
65282	Wed. (E.)	May 6
65183	Sat. (O.)	May 9
65284	Wed. (E.)	May 13



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## A REVIEWING SERVICE FREE FROM THE INFLUENCE OF FILM ADVERTISING

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No. 15

### A U. S. SUPREME COURT DECISION OF GREAT IMPORTANCE TO THE MOTION PICTURE INDUSTRY

On March 31 the United States Supreme Court rendered a decision in a case concerning the Sugar industry that is of great significance to the motion picture industry, in that the facts upon which the Supreme Court based its opinion are similar to the facts prevailing in the motion picture industry.

The case concerned the abuses that were practiced in the Sugar industry by the Sugar Trust Institute, which tried to regulate things, in a somewhat similar manner the Hays association has been regulating things in the motion picture industry.

Part of the decision reads as follows:

"The distinctive feature of the 'basic agreement' was not the advance announcement of prices, or a concert to maintain any particular basic price for any period, but a requirement of adherence, without deviation, to the prices and terms publicly announced. . . .

"The basic agreement cannot be divorced from the steps taken to make it effective and the requirements of the institute must be viewed in the light of the particular opportunities which they cut off or curtail.

"The crucial question—whether, in the ostensible effort to prevent unfair competition, the resources of fair competition have been impaired—is presented not abstractly but in connection with various concrete restrictions to which the degree below was addressed.

"The freedom of concerted action to improve conditions has an obvious limitation. The end does not justify illegal means. The endeavor to put a stop to illegal practices must not itself become illicit.

"As the statute draws the line at unreasonable restraints, a cooperative endeavor which transgresses that line cannot justify itself by pointing to evils afflicting the industry or to a laudable purpose to remove them. . . .

"The unreasonable restraints which defendants imposed lay not in advance announcements but in the steps taken to secure adherence, without deviation, to prices and terms thus announced. It was that concerted undertaking which cut off opportunities for variation in the course of competition however fair and appropriate they might be. . . ."

The Sugar Institute, Inc., was sued by the U. S. Government, tried before Judge Julian W. Mack and found guilty of having violated the Sherman Act. Judge Mack, by this decision, is sustained with certain modifications.

The basic agreement in the code of the Sugar Trust provided: "All discrimination between customers should be abolished. To that end, sugar should be sold only upon open prices and terms publicly announced." Judge Mack had found that "they agreed to adhere and in general did adhere without deviation, to such prices, terms and conditions until they publicly announced changes."

The part of Judge Mack's decree enjoining the Sugar Trust from "carrying out of the open price plan so far as it seeks to compel uniform terms, regardless of circumstances and an adherence to prices, terms, etc., announced in advance," has been sustained by the U. S. Supreme Court.

The practices of the Sugar Trust, Inc., bears a similarity to the practices of Motion Picture Producers and Distributors of America, Inc., in that those of the latter association, too, tend to restrict competition, and to force the smaller men out of business.

The United States Government should look into the practices of the Hays association to see whether the Sherman Act is being violated.

### STARS ARE NOT MADE BY THE DISTRIBUTORS

The Twentieth Century-Fox Home Office is trying to build up Irvin Cobb to take the place of the late Will Rogers.

If any one at this Home Office thinks that he can make a Will Rogers out of an Irvin Cobb or of anybody else, he is sadly mistaken, for if Mr. Cobb has the ability to impress himself upon the American public it will be not as a second Will Rogers but as an Irvin Cobb.

With all the respect the American people have for Mr. Cobb's literary ability, however, and for his intellectual accomplishments, he is far from being the person for stellar screen roles; and the quicker the Twentieth Century-Fox Home Office executives become convinced of it the better it will be for them and for the exhibitors, for they will then cease putting Mr. Cobb's pictures in the "A" allocation.



### **"Mr. Deeds Goes to Town" with Gary Cooper and Jean Arthur**

(Columbia, April 12; time, 115½ min.)

Excellent entertainment! It is a simple but novel romantic comedy, with deep human appeal. The production, acting, and direction are outstanding. Gary Cooper awakens sympathy in his role of the country humanitarian whose actions are misunderstood. The situation in which he prepares to propose to Jean Arthur, only to find out that she had double-crossed him, touches one's heartstrings. The closing scenes, which show the proceedings at a lunacy hearing, are exciting and extremely comical; one is held in tense suspense, not knowing in which way Cooper will disprove the charges of insanity brought against him by his grasping relatives who wanted his fortune. Miss Arthur's actions in winning Cooper's friendship and then printing stories about him put her in an unpleasant light; but her eventual regret and efforts to help him make the spectator sympathetic towards her:—

Cooper, a simple country business man who liked to write poetry and play the tuba, inherits \$20,000,000 and is forced to go to the city to take care of his estate. He is filled with disgust at the attempt of many persons to obtain part of his fortune, and feels he has no one to confide in. Miss Arthur, a newspaper reporter, poses as a poor girl in need of help and wins Cooper's confidence. She prints ridiculous stories about him without letting him suspect that she is the reporter. He falls deeply in love with her and just as he is ready to propose to her finds out who she is. Disgusted, he determines to give away his fortune to the unemployed by setting them up on farms. Jameson Thomas and Mayo Methot, Cooper's distant relations, in order to stop Cooper, bring charges of insanity against him. At the hearing Cooper refuses to defend himself until Miss Arthur cries out in the courtroom that she loves him and is the cause of all his trouble. He then starts to talk, and naturally proves beyond a doubt that he is not only sane but a fine person. He goes ahead with his plans for the distribution of his wealth, and becomes reconciled with Miss Arthur.

Clarence Budington Kelland wrote the story and Robert Riskin the screen play. Frank Capra directed it. In the cast are George Bancroft, Lionel Stander, Douglas Dumbrille, Raymond Walburn, H. B. Warner, Ruth Donnelly, and others.

Suitable for all. *Class A.*

### **"The Sky Parade" with Jimmy Allen, William Gargan and Katherine DeMille**

(Paramount, April 17; time, 69 min.)

Fair. The popularity with children of the Jimmy Allen radio broadcasts should prove of value to its box-office possibilities. But it is strictly juvenile entertainment, with an appeal to adults who enjoy stories about aviation. Not much happens in the first half except for a sketchy account of the progress of aviation from 1918 to the present time. But it develops more interest in the second half, and ends in an exciting manner, where Jimmy, who had never flown a plane, is shown being forced to do so, guided by radio instructions from his friend and guardian, William Gargan. This situation holds the spectator in tense suspense for fear lest something happen to Jimmy. Most of the characters are of the pleasant type, whose actions please the spectator:—

When Jimmy's father is killed in a plane accident, Gargan, who had been his best friend, assumes the responsibility of rearing Jimmy. After graduation he takes Jimmy into his aviation business, with the intention of giving him a thorough training; he curbs Jimmy's eagerness to fly. Gargan perfects an automatic control which Grant Withers, working for a gang of crooks, tries to steal. Jimmy hides in the plane from which Gargan and his friend were forced out by Withers and his accomplice. The plane is set to run by the automatic control. Withers and the pilot are killed in a fight that follows. Neither Jimmy nor the accomplice know how to pilot the plane. Gargan, realizing the danger Jimmy was in, goes up in a plane and flies alongside of him. He tells him by radio how to handle the machine. Jimmy brings it down safely. The police are waiting, and arrest the accomplice. Gargan and his faithful sweetheart, Miss DeMille, decide that Jimmy can now take care of himself and so they plan to marry.

Robert M. Burr and Willfred G. Moore wrote the story, and Byron Morgan, Brian Marlow and Arthur Beckhard

the screen play. Otho Lovering directed it, and Harold Hurley produced it. In the cast are Kent Taylor, Sid Saylor, Bennie Barlett, and others.

Suitable for all. *Class A.*

### **"The Unguarded Hour" with Franchot Tone and Loretta Young**

(MGM, May 10; time, 86 min.)

Good entertainment for class audiences. It is an absorbing melodrama, intelligently produced and well acted; but it is doubtful for the masses because the plot is developed by dialogue instead of by action. It becomes more interesting as it goes along, particularly in the second half when a murder mystery angle develops. One's attention is held for it is not until the closing scenes that the mystery is solved, and Franchot Tone cleared of the charge of murder against him. The situation in which Roland Young, an intimate friend of Tone's, cross-examines him in jest to prove an argument is exciting for the audience realizes that Tone is talking himself into a murder charge. One feels deep sympathy for Tone and Loretta Young, his wife; their actions in trying to help each other are commendable. Young supplies the comedy relief. The background is England:—

Miss Young is approached by Henry Daniell, who demands a large sum of money for the return of letters Tone had written to Daniell's wife before he had married Miss Young. She realizes that Daniell could ruin Tone's chances of becoming Attorney General and agrees to meet him at a country place where she turns the money over to him for the letters; she does not tell Tone anything. Tone is made prosecuting attorney in a murder case in which Dudley Digges is accused of having pushed his wife over a cliff. His one alibi is that a woman had passed him by on the cliff and had heard him warn his wife to be careful; the woman is Miss Young. But she is afraid to come forward since she would have to involve Tone. Daniell and his wife plan to continue blackmailing Tone. She writes him a letter demanding that he call at her home. She is found murdered that evening. By a curious chain of circumstances suspicion falls on Tone, and he is charged with the murder. By a clever ruse in which Miss Young and her friend Roland participate, Daniell, the murderer, is trapped and is forced to confess. Miss Young eventually testifies for Digges and saves his life.

The plot was adapted from a play by Ladislaus Fodor. Howard Emmett Rogers and Leon Gordon wrote the screen play, Sam Wood directed it, and Lawrence Weingarten produced it. In the cast are Lewis Stone, Jessie Ralph, and others.

Not for children. Adult entertainment. *Class B.*

### **"Comin' Round the Mountain" with Gene Autry and Ann Rutherford**

(Republic, April 13; time, 55 min.)

An excellent Western. Despite the familiarity of the plot, one's attention is held throughout because the action is fast and exciting. The situation where the hero, in an effort to tame a wild horse, faces the horse and puts his arms around its neck only to be tossed around, is thrilling. The horseback riding is fast and furious, particularly in the scenes showing a race across rough country between the hero and his men and the villain and his men. Pleasant comedy and music are interwoven in the plot without retarding the action. The scenic background is colorful:—

The hero (Gene Autry), an employee for the Pony Express, is attacked while on his route carrying mail. When he awakens, he finds a torn envelope addressed to the heroine (Ann Rutherford) and realizes that the money for the sale of her cattle which had been in the envelope had been stolen. The heroine is heartbroken when she hears of this for she needed the money to save her ranch from being sold for taxes. The hero suspects that the villain (Roy Mason) had committed the robbery in an attempt to gain possession of the heroine's ranch. He finally proves this, and regains the stolen money for the heroine, at the same time winning for her a contract for the sale of her horses to the Pony Express. He and the heroine marry.

Oliver Drake wrote the story; he, Dorrell McGowan, and Stuart McGowan wrote the screen play. Mac Wright directed it and Nat Levine produced it. In the cast are Smiley Burnette, Ken Cooper, and the horse Champion.

Suitable for all. *Class A.*



**"The Singing Kid" with Al Jolson***(First National, April 11; time, 84 min.)*

This is good mass entertainment, in spite of the fact that the story is of the familiar backstage variety and is somewhat trite. What helps is the popular music, of which there is plentiful. Jolson is at his best here, and sings the various songs with all his old-time verve. And he is helped considerably by Cab Calloway and his band, and the Yacht Club Boys. The musical numbers are done in the traditional lavish Warner style, with enormous sets; but this proves very effective in one number which takes Jolson and the Yacht Club Boys all over the Warner lot in a song that is both comical and tuneful, and in which a large chorus participates. Edward Everett Horton, Allen Jenkins, and the team of Mitchell and Durant supply the comedy relief, but they are hampered by the fact that their gags are old. Jolson awakens sympathy by his generosity to all, in particular to Beverly Roberts and her niece, Sybil Jason. The scenes in which he and Sybil sing together are charming. The romance is pleasing and ends in a manner that should please audiences:—

Jolson, a popular stage performer and radio artist, is betrayed by Claire Dodd, his sweetheart, and Lyle Talbot, his lawyer, who run away together with most of Jolson's fortune. The shock causes him to lose his voice. He goes for a rest to the country with his two faithful pals, Horton and Jenkins, and rents the home in which Miss Roberts and Sybil live; he insists that they remain there during his stay. He and Miss Roberts fall in love with each other. He is soon able to sing again. He tries to help her by making her believe that a play she had written had been bought by a New York producer; but she finds out that he had supplied the money. She feels humiliated and asks Jolson to leave. He goes back to New York and starts rehearsing in a new play; but his thoughts are with Miss Roberts. She arrives with Sybil on the opening night, just as Jolson is ready to quit to go in search of her. There is a happy reunion.

Robert Lord wrote the story, and Warren Duff and Pat C. Flick the screen play. William Keighley directed it and Robert Lord supervised. In the cast are Winifred Shaw, and others.

Suitable for all. *Class A.*

**"A Message to Garcia" with John Boles, Wallace Beery and Barbara Stanwyck***(20th Century-Fox, April 10; time, 85 min.)*

Good entertainment! Despite the thinness of the plot, which is made up of a series of adventures encountered by Lieutenant Rowan (played by John Boles), who, in the year 1898, courageously carried out the mission of delivering a message from United States President McKinley to General Garcia, leader of the Cuban forces, it holds one in tense suspense throughout. This is caused by the dangerousness of the mission, and the fact that Rowan could not place trust in any one. But the entertainment value lies mostly in the characterization by Wallace Beery of the unscrupulous but always amusing ousted American, Sergeant Dory, who would sell out any one for gold or perhaps good food. Whenever the action becomes too tense a gesture or a word by Beery provokes hearty laughter. His regeneration in the end is inspiring for he sacrifices his life in a desperate effort to prove to his friend, Rowan, that he did not betray him when he delivered him into the hands of the spies for he had believed he was sending him to Garcia; he did not know that the Spaniards had captured the Fort. The situations in the jungle showing Rowan and the ever-present Sergeant crossing crocodile-infested streams, and eluding the Spanish spies are thrilling. One is held in tense suspense in the closing scenes where Rowan, who had been made a prisoner by the Spaniards, is tortured in an effort to force him to reveal where he had hidden the message; these scenes are quite brutal. The arrival of the Cuban forces, headed by Dory and Garcia, who save Rowan, add to the many thrills. Although Miss Stanwyck does not by appearance or manner exactly fit the role of the Cuban girl who joins Rowan in his mission, she gives a good performance and wins the spectator's sympathy by her courage and willingness to help. She had purposely undertaken the dangerous job of guiding him because she wanted to see her people freed from the Spaniards, who had, incidentally,

killed her father. The romance that develops between her and Rowan is pleasant, and culminates in marriage.

The plot was adapted from the book by Lieut. Andrew S. Rowan and the essay by Elbert Hubbard. W. P. Lipscomb and Gene Fowler wrote the screen play, George Marshall directed it, and Darryl F. Zanuck produced it. In the cast are Alan Hale, Herbert Mundin, Mona Barrie, Enrique Acosta, and others.

Suitable for all. *Class A.*

**"Murder on a Bridle Path" with James Gleason and Helen Broderick***(RKO, April 17; time, 66 min.)*

This combination murder mystery melodrama-comedy is just moderately entertaining program fare. Instead of using action, it tells its story by dialogue. Some parts of it are so slow that patrons will squirm in their seats because of impatience. The one thing in its favor, as far as followers of this type of entertainment is concerned, is the mystifying plot; the identity of the murderer is not made known until the very end. The comedy, as provoked by James Gleason and Helen Broderick, falls flat. The most exciting situation occurs in the closing scenes, where Miss Broderick, the prying school teacher who helps Gleason solve the murder, is confronted by the murderer. There is a romance, but it is incidental:—

Sheila Terry is found dead on the bridle path in Central Park. At first the police are willing to accept her death as an accident, but certain clues pointed out to them by Miss Broderick, who had been out walking and had found the dead woman's horse, assure them that it was murder. Gleason, the police inspector and an old friend of Miss Broderick's, allows her to help him in the case. Several persons are suspected—one is Leslie Fenton, the dead woman's divorced husband, another is John Carroll, the owner of the stable where she had hired her horse and with whom she had been intimate, and even Owen Davis, Jr., the fiance of Louise Latimer, Miss Terry's sister. Fenton's father is killed next. Eventually Miss Broderick solves the murder, clearing all those under suspicion. The murderer was Christian Rub, the old servant of Fenton's family, who hated them for many things they had done to him. He is killed by the police.

The plot was adapted from a novel by Stuart Palmer. Dorothy Yost, Thomas Lennon, Edmund North and James Gow wrote the screen play. Edward Killy and William Hamilton directed it, and William Sistrom produced it. In the cast are John Arledge and others.

Because of the murders it is unsuitable for children. Adult entertainment. *Class B.*

**"Little Red School House" with Frank Coghlan, Jr., Dickie Moore and Lloyd Hughes***(Chesterfield, February 15; time, 65 min.)*

Moderately entertaining program fare, suitable mostly for small towns. The spectator's sympathy is awakened when Frank Coghlan, Jr., is sent to reform school for a crime he did not commit. The most appreciative audience for this should be children, who may benefit from the lesson that Frank learns—that the best place for a young boy is at school. The tricks displayed by Frank's dog are amusing:

Frank runs away from home because he feels that Lloyd Hughes, his sister's fiance and his school teacher, picks on him too much. While on the road he becomes acquainted with a hobo, who brings him to the home of some of his pals in New York. Frank finds out too late that the pals are crooks; he becomes involved in a murder and robbery perpetrated by the gang, and is sent to the reformatory. Hughes finds out about this but does not tell Ann Doran, Frank's sister, about it. Instead, he goes to see Frank. When the warden leaves them together, Frank escapes and Hughes is arrested and sent to prison for aiding a prisoner to escape. Frank returns and confesses. In the meantime the gang had been rounded up and had admitted that Frank was innocent. He and Hughes are released, and return home. Frank is happy to return to school.

Paul Perez wrote the story and screen play. Charles Lamont directed it and George R. Batcheller produced it. In the cast are Richard Carle, Ralf Harolde, and others.

Suitable for all. *Class A.*



## "ROBIN HOOD OF ELDORADO" NOW IN LEGION'S "B" CLASS

As a result of criticism from various quarters, the National Legion of Decency has reclassified "Robin Hood of Eldorado" and has placed it, from the "A" class where it had formerly had it, in the "B" class.

The action of the Legion of Decency is commendable, so far as the correct classification of the picture goes. But suppose an exhibitor decides, out of respect for the feelings of his patrons, not to show the picture! How is the Legion of Decency going to help him? It may be able to help an exhibitor here and there, but it will have a hard time to convince the producer that it would be better for him to allow every exhibitor who wants to pass this picture up to do so without placing any difficulties in his way. Let its heads try it; they will see what will happen. Harrison's Reports knows that their efforts will be unsuccessful.

But suppose for the sake of argument it succeeded in convincing the producer to allow each exhibitor to play it or not, just as he sees fit, what will happen? The producer will merely change the allocation of the picture, putting in its place some other picture, from the low allocation. This naturally will penalize the exhibitor, and let the distributor go scot free.

The trouble with the National Legion of Decency is the fact that it hasn't in its membership any one who would enlighten it on the subject. What it gets is only one side of the question. Hence the stand one of its representatives took at the House hearing of the Neely-Pettengill Bill in Washington: he condemned the bill merely on speculation—the fear that it may lead to other such bills and eventually to censorship.

That the Neely-Pettengill Bill will lead to censorship is merely a speculation: that the exhibitor cannot reject pictures that are unsuitable to the people of his community is a fact.

"In reference to KLONDIKE ANNIE," writes an exhibitor, "the fact is that, so far as we know, no exhibitor can cancel it, for the following reasons: If he sends in a cancellation based on the so-called ten per cent clause, Paramount would, because this picture is in the top group, immediately interchange 'Klondike Annie' with some other picture, of the lowest allocation group. Consequently the exhibitor would have to pay the full price of the picture, whether he shows it or not. This matter should be explained to the legislators; they should know that no exhibitor could pay the top allocation price and not use the picture."

Next time a minister or a priest or any other prominent person in your community should complain against the character of the pictures you show, put it up to him to obtain for you a cancellation of whatever pictures he deems unsuitable for showing. Tell him that you are willing to cancel any such picture, as long as you are not penalized financially by means of the distributor's jugglery in allocating prices. Make him

understand that you cannot cancel a picture and pay for it, for if you were to do so you would not last very long. You might inform him also that the source from which you expected help in your fight for the elimination of block-booking and blind-selling—the Legion of Decency—has failed you.

It might not be a bad idea to have your friends as well as members of the Legion of Decency, take the matter up with the heads of the National Legion of Decency with a view to obtaining their support for the Neely-Pettengill Bill. So far the heads of this Legion have obtained the facts only on one side of the question; it is necessary that they obtain also the exhibitor side.

## AN ALLIED STATEMENT ON THE NEELY-PETTENGILL BILL

The following statement has been issued from Allied headquarters under the heading, "DEFEATIST PROPAGANDA":

"Certain trade papers are carrying headlines to the effect that the Neely-Pettengill Bill is dead, without a scintilla of proof to support the claim. Some are doing this maliciously, some to curry favor with the Big Eight and some possibly to cover their failure properly to support the bill.

"The fact is that due to the intervention of certain emergency matters and the fact that the printing of the hearings has not been completed, Chairman Pettengill has not called his sub-committee into executive session on the bill. He expects to do so this week.

"Allied has Mr. Pettengill's word for it that until the sub-committee has met and considered the measure no one has the right to draw any inferences whatever as to what the sub-committee will do. Also that any claim that the legislation is dead is wholly speculative unless the person making it has polled the committee—a step which he himself has not taken and which usually is resented by committee members if undertaken in advance of their deliberations.

"The further fact is that the Senate sub-committee has delayed its deliberations partly because of the extended absence and preoccupation of Chairman Neely and a desire to keep in touch with the situation in the House where the hearings were much more extensive. The House record covers many phases of the question not dealt with in the brief Senate hearings.

"Exhibitors are cautioned to keep their feet on the ground during this period when the full force and influence of the organized industry is directed to confusing the issues, distorting the facts and playing politics. Caught unprepared because they did not think hearings would be granted, the Big Eight are seeking to make up for their miserable showing in Washington by a campaign of discouragement, falsification and mud slinging. Exhibitors will do well to note who are the allies of the Big Eight in this disreputable campaign; also they should note, for future reference, who are their friends."



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### Anti-Trust Litigation in the Motion Picture Industry—No. 1

By George S. Ryan

[EDITOR'S NOTE: Beginning with this issue HARRISON'S REPORTS is presenting to its readers a series of articles dealing with almost every phase of anti-trust litigation in the motion picture industry.

The writer of these articles, George S. Ryan, a renowned attorney of Boston, is too well known to most persons connected with the motion picture industry to need an introduction. Articles by him appeared in these columns before; and he has made a name for himself by the skillful way he handled the Ed. Lowe case against Paramount, heard before an auditor, in Boston. There may be some persons, however, who do not know of him. To these, let me, as an introduction, reproduce here what Mr. Edward F. McClennen, counsel for the defendant, Paramount, said about him before the auditor (quoting from the record):

"Mr. McClennen. . . . Whatever may be the result in this case, the plaintiffs can be assured that, if they fail, it has been due to no lack of adroitness on the part of the plaintiffs' counsel [Mr. Ryan], untiring labor, and the utmost consideration for anything that could by any possibility . . . be of benefit to the plaintiffs—

"Mr. Ryan. Shall we make our bow now?

"Mr. McClennen. No! I was going to add that, if there is any decision of any court in this country, and possibly others, on this subject, that Mr. Ryan has not read, it is undoubtedly one that has not yet got into print."

Mr. Ryan has made a particular study of anti-trust law. He has read every anti-trust case on record, and he can, as I have been told by some friends of his, name most of them from memory; and since he knows the motion picture industry with its various ramifications intimately, what he will say in these articles should prove of inestimable value to many of the readers.

It took many months of pleading on the part of this editor to induce Mr. Ryan to write these articles, for one need not be a lawyer to realize the amount of work that was required in their preparation; George Ryan was finally prevailed upon to write the articles only by being made to realize the amount of good they would do, and to some measure by the friendship he feels towards this editor.

There is no doubt in my mind that there are persons connected with the production-distribution end of the picture business who still think that, because they own the articles they sell, they may dispose of them in any way they see fit—on any terms and conditions; the facts Mr. Ryan presents in these articles should enlighten them.

Those of the readers who will find these articles valuable, or even enjoyable, should, by way of compensation, write to Mr. Ryan thanking him for his trouble; it is the least they can do. (73 Tremont Street, Boston, Massachusetts.)

Incidentally, I may mention that it was Mr. Ryan who wrote the foreword to the pamphlet, "Judge Moore's Charge to the Jury," which was printed by HARRISON'S REPORTS.

—P. S. HARRISON.]

\* \* \*

For many years the motion picture industry has been a battleground of bitterly contending factions. It is a comparatively new industry, growing rapidly; it has unique trade practices; and in its early development it has been dominated by men of energy and ambition who have had little executive training in other fields of effort. Not infrequently, too, the struggle for control has been merely an attempt to suppress competition, and, as the industry is national in its scope, the resulting practices have inevitably come within the range of the Federal Anti-Trust Laws.

Recently the conflict has been brought into strong relief by a succession of actions against the major distributors by

the United States Government and by independent exhibitors. The proceedings by the government culminated in verdicts of acquittal of several prominent distributors on charges of criminal conspiracy in St. Louis, and by the dismissal without prejudice, on motion of the government, of an equity suit for an injunction. The most important of the suits by independent exhibitors resulted in a decree by the United States District Court at Philadelphia, which was sustained by the Circuit Court of Appeals, condemning a conspiracy to prevent double-features.

Because of the problems involved and of the far-reaching effect of the rules of law announced, and to a lesser degree because of the prominence of the parties, these proceedings have focussed the spotlight of interest upon the anti-trust laws. It may be advisable, therefore, to comment upon some of the decisions in which these laws have been applied: not to attempt a complete history of every case, but merely to make a brief survey of the important proceedings, chiefly actions instituted by the government and those which have a significant bearing upon trade practices.

#### Federal Anti-Trust Laws

The chief anti-trust law is the Sherman Act. In the first two sections it provides that "every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations," is illegal; and that "every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce among the several states, or with foreign nations, shall be deemed guilty of a misdemeanor." It makes a violation of either section punishable by fine or imprisonment, or by both. It gives a civil remedy to "any person who shall be injured in his business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful by this act" in "threefold the damages by him sustained, and the costs of suit, including a reasonable attorney's fee."

Generally speaking, therefore, the act condemns restraint of trade and monopoly.

The purpose of this statute is to prohibit interferences with competition or the unnatural obstruction of the channels of interstate trade. In various forms of expression the Supreme Court has indicated that it "condemns all combinations and conspiracies which restrain the free and natural flow of trade in the channels of interstate commerce"; and that it was intended to secure equality of opportunity and to prevent the suppression of competition, either by voluntary or by involuntary restraints, because "the public interest is best protected from the evils of monopoly and price control by the maintenance of competition."

In his charge to the jury in the "*St. Louis Case*,"<sup>2</sup> so-called, Judge Moore declared:

The purpose of the Sherman Act is to maintain free competition between individuals and corporations, and to give every one equal freedom of economic opportunity. It is, therefore, the duty which every person owes his country to so regulate his acts and deeds as to prevent any limitation of the right of another to pursue his business without pernicious or unlawful interference and thus keep open the pathways of life so that citizens may at their own selection peacefully pursue them free from the unlawful interference of others.

Every individual and every corporation should have the same right to engage in interstate commerce. One of the main causes for the enactment of the Sherman Anti-Trust

(Continued on last page)



### "Brilliant Marriage" with Ray Walker and Joan Marsh

(*Invincible*, March 25; time, 65 min.)

A fair drama; the production and acting are good. It has human appeal and the action, in spite of the fact that it is illogical at times, holds one's attention because of the sympathy one feels for Joan Marsh. The situation in which Miss Marsh learns the truth about her parents is pathetic. The action of John Marlowe in standing by Miss Marsh when the scandalous facts are printed in the newspapers is commendable. For that reason the spectator is pleased when he finally wins her love:—

Miss Marsh is heartbroken when she learns through a blackmailer that the persons she had thought were her parents were not so, and that her real mother had died in prison where she had been confined for killing her husband. She refuses to see Marlowe, her former sweetheart. She meets and is fascinated by Ray Walker, a newspaper reporter, in whom she confides. Inez Courtney, Walker's sweetheart, in order to stop the affair, prints the story about Miss Marsh which she had obtained from the blackmailer. When this is printed Marlowe sticks by Miss Marsh and insists that she marry him; this makes her very happy. But Olive Tell, his mother, insists that Miss Marsh break the engagement, saying that she might ruin his career. In disgust, Miss Marsh plans to run away with Walker, but is stopped by Marlowe, whom she marries.

Ursula Parrott wrote the story, Paul Perez the screen play, Phil Rosen directed it, and Maury M. Cohen produced it. In the cast are Doris Lloyd, Ann Codee, Holmes Herbert, and others.

Suitable for all. *Class A.*

### "Gentle Julia" with Jane Withers, Tom Brown and Marsha Hunt

(*20th Century-Fox*, April 24; time, 63 min.)

Good family entertainment. Set against an old-fashioned village background, it is a wholesome every-day story of country characters, the most delightful part being that which revolves around the activities of the children. Jane Withers surpasses anything she has done, and is responsible for most of the comedy. The methods she uses to outwit Jackie Searle, her cousin, compelling him to share his various hobbies with her, should provoke hearty laughs. The situation in which Jane, in an effort to prevent George Meeker from proposing to Marsha Hunt during a party, tosses all of Jackie's pet animals on the porch scaring all the guests away, is extremely comical. It is a simple story, but one that leaves the spectator with a pleasant feeling:—

Jane feels that Tom Brown should marry her cousin, Marsha, and coaches him on how to win her favor. Meeker, a city slicker, fills Marsha's head with stories about society; he makes her believe that he is the son of a wealthy society family, when in reality he is a petty crook who plans to marry her for her money. Jane, by threatening to disclose to the boys a note that Jackie had written claiming that he had pretty eyes, forces him to print in his family newspaper an item to the effect that Meeker was a four-flusher, that he had a wife and seven children, and that he was not to be trusted. Marcia, thinking that her family was trying to interfere with her, is infuriated when she reads this and tells Meeker that she will marry him immediately. It develops that Jane was correct in her appraisal of Meeker. The whole town, headed by Jane and Brown, rush after the eloping couple and prevent the marriage. Marcia marries Tom instead.

Booth Tarkington wrote the story, and Lamar Trotti the screen play. John Blystone directed it, and Sol M. Wurtzel produced it. In the cast are Francis Ford, Maurice Murphy and others.

Suitable for all. *Class A.*

### "The Great Ziegfeld" with William Powell, Myrna Loy and Luise Rainer

(*MGM, Roadshow*; running time, 3 hours)

This is entertainment that should thrill everybody. Based on the exciting life of Florenz Ziegfeld, Jr., the theatrical producer, it depicts the highlights of his career and personal life. There is no picture to equal it for lavishness, beauty, and all-around entertainment; and not once during the three hours that it runs does it become boring. Spec-

tators will gasp at the gorgeous settings and costumes used in the musical numbers, particularly for the song "A Pretty Girl Is Like a Melody." Everything is in the finest of taste, even in the reference to Ziegfeld's many love affairs, for the audience can understand that the man's love of beauty made him susceptible to feminine charms. As for the acting, William Powell fits the role of Ziegfeld to perfection, making of the character a man to be admired, despite his many faults. The most sympathetic character is that of Anna Held, Ziegfeld's first wife, played by Luise Rainer. Her charm, beauty, and vivacious manner endears her to the audience; for that reason her unhappiness when she loses Ziegfeld touches the spectator deeply. The situation in which she telephones to Ziegfeld, congratulating him on his marriage to Billie Burke (Myrna Loy), is one that the audience will remember for a long time. It is pathetic, for she tries to hide her misery and tears by laughing and pretending to be very happy. Stars whom Ziegfeld made famous, such as Cantor, Rogers, Brice, Hootor, Bolger, and others are shown in the roles that brought them to the public's attention. With the exception of Cantor and Rogers, the other roles are played by the stars themselves.

The story shows the development of the career of Ziegfeld from a barker at a side-show at the Chicago Fair to the world's greatest theatrical producer. His uncontrollable extravagance is the cause of much misery on the part of his associates. After his divorce from Anna Held, brought about by Miss Held's jealousy when she sees him kiss another girl, Ziegfeld meets and marries Billie Burke, the actress. They are extremely happy with their child, Patricia. A streak of bad luck makes him despondent. His wife insists that he use her jewels to finance him in four new theatrical ventures. Each one is a great success. Ziegfeld invests all his money in stocks, only to be wiped out by the market crash. Sick and miserable, he dies.

William Anthony McGuire wrote the story and screen play. Robert Z. Leonard directed it and Hunt Stromberg produced it. In the cast are Frank Morgan, Virginia Bruce, Reginald Owen, Ernest Cossart, Nat Pendleton, Joseph Cawthorne, and others.

Ziegfeld's affair with a chorus girl is handled with such delicacy that it should not offend. Therefore suitable for all. *Class A.*

### "Till We Meet Again" with Herbert Marshall and Gertrude Michael

(*Paramount*, April 17; time, 71 min.)

Pretty good entertainment. Although the plot is of the familiar espionage variety, with the hero and heroine on opposite sides, it keeps one interested throughout, mainly because of the methods used by the spies to pass on their information. The action is fast, and several of the situations hold one in tense suspense. The situation in which Herbert Marshall is shown making his escape from a fast-moving train in order to avoid being caught by the German soldiers is the most exciting. The romantic interest is appealing, both Marshall and Miss Michael awakening deep sympathy when they are forced to part. Their reunion in the end, after many hardships, pleases the spectator:—

On the eve of the marriage between Marshall, an English actor, and Miss Michael, an actress from Germany, war is declared. She is forced by Lionel Atwill, her superior officer, to leave London without bidding Marshall goodbye, in order to carry on work as a German spy. Marshall is heartbroken, and gladly accepts dangerous work as a spy in order to forget. The lovers meet under strange circumstances, but Miss Michael does not give Marshall away. They plan to run away together, never to be parted again; but their plans are thwarted by Atwill, who follows them, with the express purpose of capturing them and putting them in front of a firing squad. After many thrilling experiences, Atwill, because of his love for Miss Michael, paves the way for the lovers to escape.

The plot was adapted from the play by Alfred Davis. Edwin Justus Mayer, Brian Marlow and Franklin Coen wrote the screen play. Robert Florey directed it, and Albert Lewis produced it. In the cast are Rod LaRocque, Guy Bates Post, Spencer Charters, and others.

It is doubtful if children will understand the conversation in one situation where Miss Michael goes to LaRocque's apartment. Adolescents probably will. Good for adults. *Class B.*



**"Pride of the Marines" with Charles Bickford, Florence Rice and Billy Burrud**

(Columbia, April 2; time, 63 min.)

Moderately amusing program entertainment. It has human appeal; also a fair amount of comedy, most of which is provoked by the actions of Billy Burrud, a youngster living at the Marine Barracks. The affection the Marines show for Billy pleases one. Charles Bickford awakens the spectator's sympathy by his devotion to Billy, and by his eventual sacrifice for the boy's welfare. There is a slight romantic interest interwoven in the plot. The picture's value is, however, really more educational than entertaining, for most of it is devoted to the daily routine of Marines, and the meaning of patriotism:—

A group of Marines, including Bickford, while en route to new quarters at San Diego, become acquainted with Billy, an orphan, who was on his way to meet and live with an uncle. Bickford takes him to the address given in a letter but when he arrives there he finds that the uncle had moved away. He becomes acquainted with Miss Rice, a tenant in the house, who shows an interest in Billy. Bickford gets permission to keep Billy in the barracks, but after a short time notices that the boy is becoming spoiled. Miss Rice, who had called often to see them, suggests that Billy be turned over to her. But Bickford refuses to do this, for he planned to resign from the Navy, go into business, and legally adopt Billy. He hoped, too, that Miss Rice would marry him. But he is disappointed when he learns that she loves some one else. He takes an assignment for foreign service and leaves Billy to Miss Rice.

Gerald Beaumont wrote the story, Harold Shumate the screen play, D. Ross Lederman directed it, and Irving Briskin was associate producer. In the cast are Robert Allen, Thurston Hall, George McKay, Ward Bond, Joseph Sawyer, and others.

Suitable for all, especially for young folk. *Class A.*

**"Small Town Girl" with Janet Gaynor, Robert Taylor and Binnie Barnes**

(MGM, April 3; time, 107 min.)

A fair romantic comedy-drama, with human appeal. The plot is thin and the outcome obvious; and, since too much time is made to elapse before Robert Taylor, the hero, realizes that he loves Janet Gaynor, the heroine, the action at times becomes draggy. Miss Gaynor is charming in the part of the small-town girl and she awakens sympathy by her efforts to win Taylor's love. One resents Taylor's actions and the fact that he is weak enough to be led on by Binnie Barnes. It is not until the very last scene that he is shown declaring his love for Miss Gaynor. There are some excellent comedy situations, to which Willie Fung, the Chinese steward on Taylor's yacht, is the chief contributor. Some of the comedy is provoked by the clash of temperament between Miss Gaynor and Taylor:—

Miss Gaynor, tired of the monotonous life in her small home town, yearns for excitement. When Taylor, who was passing through the town on his way home from a football game, invites her for a ride, she accepts. They go to an inn, drink too much champagne, and wake up the next morning married. Taylor is annoyed, for he is engaged to the socially prominent Miss Barnes. He takes Miss Gaynor to his home and talks the matter over with his folks. They suggest that for the sake of appearances and Taylor's career as a surgeon that they stay married for six months, after which a quiet divorce could be arranged. Miss Gaynor falls deeply in love with Taylor and hopes that he will reciprocate. But he spends most of his time with Miss Barnes, who is a bad influence on him. Called from Miss Barnes' apartment for an important operation, he realizes he is not sober enough and turns the job over to another surgeon; this makes him realize how unreliable he is. Miss Gaynor, unhappy because of Taylor's indifference, goes back home. She reads in the newspapers that Taylor is on his way to Reno for a divorce. To her joy, he calls to see her, declaring his love for her and telling her that he wants her to be his wife.

The plot was adapted from the story by Ben Ames Williams. John Lee Mahin, Frances Goodrich, Albert Hackett and Edith Fitzgerald wrote the screen play, William A. Wellman directed it, and Hunt Stromberg produced it. In

the cast are Lewis Stone, Andy Devine, Isabel Jewell, James Stewart, Charley Grapewin, and others.

It is doubtful if children or adolescents will attach any significance to a situation in which Binnie Barnes calls Taylor late at night to call at her apartment. Good for adults. *Class A.*

**"The Country Beyond" with Rochelle Hudson, Paul Kelly and Robert Kent**

(20th Century-Fox, April 3; time, 68 min.)

A fair program melodrama. The plot, revolving around the efforts of two officers of the Canadian Mounted Police to get their man, is routine; but it has enough exciting situations to hold the attention of the average picture-goer. It should appeal particularly to lovers of the outdoors because of the excellent scenic background of the snowy mountain country, and of the fact that most of the action takes place in the open. The closing scenes, where the criminals attempt to escape by killing the officers, are the most exciting. The affair between Robert Kent, of the Mounted Police, and Rochelle Hudson, daughter of one of the accused men, progresses pleasantly from animosity to love. Buck, the famous dog of "Call of the Wild," again displays remarkable intelligence.

In the development of the plot Paul Kelly and Kent are sent on an assignment to find out about the theft of furs from a trading company. They find the stolen furs hidden in the home of Miss Hudson's father, Alan Hale. Hale admits that he had been running furs out of the country, but that he had had no idea that they were stolen. Miss Hudson helps him to escape, so that he might find Alan Dinehart, his partner, to help him prove that he knew nothing about the theft. Kelly goes after him while Kent takes Miss Hudson in charge. When Hale finds out that Dinehart did commit the theft, he is frantic. Dinehart sets his vicious dog on him to kill him and then runs away. But eventually, after many mishaps, Kelly and Kent capture Dinehart; they promise to help Hale. Miss Hudson and Kent marry.

The plot was adapted from the story by James Oliver Curwood. Lamar Trotti and Adele Comandini wrote the screen play. Eugene Forde directed it and Sol M. Wurtzel produced it.

Suitable for all. *Class A.*

**"Big Brown Eyes" with Joan Bennett and Cary Grant**

(Paramount, April 3; time, 75½ min.)

Pretty good melodramatic entertainment for the masses. It combines gangster activities with wise-cracking comedy and romance, holding the spectator's attention throughout. The actions of the gangsters are offset by the bravery of Cary Grant, the hero, and Joan Bennett, his fiancée, who are responsible for their capture. The situation in which Grant enters the apartment of Walter Pidgeon, head of the gang, and is found by two killers, holds one in tense suspense; and the manner in which he gains his freedom is both novel and exciting. Although the murders committed by the gangsters are brutal, the fact that they eventually pay for their crimes lessens the demoralizing effect of their acts:—

Miss Bennett, a manicurist in a barber shop, in love with Grant, a detective, gives up her job to become assistant to a newspaper columnist. She does clever sleuthing work on her own and uncovers good stories for her paper. When Lloyd Nolan, a murderer, is freed by a jury of a murder charge, Grant, who had made the arrest, is disgusted. He leaves the force, determined not to return until he had cleaned up the case to his own satisfaction. Aided by Miss Bennett, who had gone back to her manicuring job to get necessary information from some of the customers, Grant finally rounds up the gang of which Nolan had been a part. In doing so he breaks up the gang of jewel thieves who had been working hand in hand with Pidgeon, the private detective for the company that had insured the jewels. Miss Bennett decides to give up her work and marry Grant.

James E. Grant wrote the story, and Raoul Walsh and Bert Haulon the screen play. Raoul Walsh directed it and Walter Wanger produced it. In the cast are Alan Baxter, Marjorie Gateson, Isabel Jewell, Douglas Fowley, and others.

Unsuitable for children, adolescents, or Sundays. Adult entertainment. *Class B.*



Act was to prevent the unreasonable use of vast accumulations of wealth to oppress individuals and injure the public. It is "based upon the right of every individual to choose his own calling in life and to follow the trade of his choice unhampered by any undue and unfair interference from others. It secures this blessing of liberty to all by making it unlawful for anyone to conspire to bring about restraint of trade or commerce."

There is no more necessary right under our economic structure—it is so important that Chief Justice Hughes of the United States Supreme Court has recently described the Sherman Act as a "charter of liberty." This characterization results from the fact that economic injustice has ever been the cause of much suffering in this world.

The other anti-trust laws of interest to the industry are the Clayton Act and the Federal Trade Commission Act. The former, in addition to giving injunctive relief to private individuals in certain instances, prohibits the acquisition of stock of competing corporations, and sales or leases upon agreement not to deal with competitors, where the effect may be to eliminate competition, restrain trade, or tend to create a monopoly in any line of interstate commerce. The latter prescribes the procedure for the elimination of unfair methods of competition.

The story of anti-trust litigation divides itself naturally into two periods: (a) prior to the dissolution of the Motion Picture Patents Company; and (b) from the dissolution of this corporation, in 1914, until the present time. The early period is chiefly of historic importance; the subsequent period, which is even now in the making, is notable for decrees and decisions affecting (1) interstate character of the film industry; (2) standard exhibition contract, including arbitration and credit; (3) price fixing and (4) double features; (5) block booking and other methods of sale, (6) theatre acquisition by producers, and the consequent (7) monopoly of product, including (8) protection, or zoning and clearance, and (9) conspiracy to boycott or to destroy competitors.

### Motion Picture Patents Company

In 1914 there came into existence a gigantic corporation which for many years held the industry in a stifling clutch. The Motion Picture Patents Company was a combination of the owners of the principal early patents, chiefly those covering projection; it manufactured a substantial proportion of the "reliable" product of that day—mostly "one-reelers"—which it distributed through the General Film Company; and it prohibited the lessees of its projection machines from using the films of other producers or distributors. Many of the present leaders of the industry were outside this "trust" and were regarded by it as infringers and "pirates." Suits by the score, if not by the hundred, were brought by the Patents Company in an attempt to suppress the infringements by these "outlaws." They fled to Hollywood and founded a great city, not only because of the climate and the clear sky, but also, it is said,<sup>1</sup> because the proximity to Mexico was a strong incentive to fugitives from United States marshals.

Frequently the defense to the infringement suits was a counter-charge that the Motion Picture Patents Company was a monopoly, but it was uniformly held that the illegality of the combination could not be alleged and proved as a defense to a suit to prevent copyright or patent infringement.<sup>2</sup>

Finally, however, the towering structure of monopoly was shaken by a decision of the Supreme Court that the patent laws gave the company no right to prevent the use of films of other producers in projection machines manufactured under its patent.<sup>3</sup> And in 1914 it was brought crashing to the ground by a decree of the United States District Court ordering the dissolution of the defendant, for the reason that it monopolized interstate commerce in motion picture films.<sup>4</sup> The appeal of the defendant was dismissed by the Supreme Court.<sup>5</sup>

<sup>1</sup> *Motion Picture Patents Company v. Universal Film Co.*, 243 U.S. 502.

<sup>2</sup> *United States v. Motion Picture Patents Company*, 225 F. 800.

<sup>3</sup> 247 U.S. 324.

EDITOR'S NOTE: In the second article, which will be printed in next week's issue, Mr. Ryan will discuss the following subjects: "Interstate Character of the Film Industry," "Standard Contract: Arbitration and Credit," "Admission Prices," and "Double Features."

## THE TRADE PRACTICE CONFERENCE THIS WEEK

Recently Ed. Kuykendall, president of Motion Picture Theatre Owners of America, sent to the distributors a letter asking them to meet with him and representatives of his organization for the purpose of discussing industry abuses and of adopting corrective measures. The major companies accepted his invitation.

The conference was to be held at the Cinema Club, New York City, Thursday, April 16.

Mr. Martin Quigley, publisher of the Quigley Publications, commenting on this conference, says partly:

"The forthcoming conference between exhibitors and distributors on trade practice adjustments promises to afford an opportunity for the solution of a number of problems, which have long afflicted the business of renting films. That there is much room for improvement in the trade practices governing the renting of films is a viewpoint against which there is but little argument. It is to be hoped that out of the approaching conferences, which are being entered into in a friendly and cooperative spirit on the part of both the exhibitor representatives and the distribution executives, there will issue an agreement which will provide for a better and sounder way of doing business.

"Many of the existing trade practices surrounding the renting of films are the result of no deliberate and thoughtful plan; they are rather a conglomeration of trade habits which have taken growth upon the distribution machine through the years. That some of them are unreasonably burdensome and obnoxious to all except the most advantageously situated exhibitors is a matter of common knowledge. It is both logical and sensible that exhibitors and distributors should now, with better business conditions returning, enter seriously upon the task of rearranging these matters, to the end of a fairer deal for all concerned. . . ."

HARRISON'S REPORTS congratulates Mr. Quigley for having recognized the need of uprooting the bad business habits that have accumulated and of adopting trade practices that will give everybody a chance to live.

Mr. Quigley, however, employs the word "seriously"; that the exhibitors and the distributors should "enter seriously upon the task of rearranging these matters."

Is the conference this week a "serious" undertaking? Let us examine the facts:

The person who has called this conference is the head of an organization that is supported, according to court records, by producer money.

No genuinely independent exhibitors' representatives have been invited to this conference.

It is reasonable to assume that, before Mr. Kuykendall issued the call to the distributors, he consulted with the major distributors; it is unthinkable to believe that he would have called such a conference either without being urged to call one, or at least without having their assurance that they will attend. This leaves matters this way: The major producer-distributors are conferring with themselves for the purpose of adopting fair trade practices between themselves and the independent exhibitors.

Will they carry out whatever decisions are made at this conference?

Judging by their disregard of their decisions at the trade practice conferences, held under the auspices of the U. S. Government, it is doubtful if they will carry out their promises now.

In the opinion of this paper, the majors have called this conference for the purpose of making the United States Government believe that everything is well in this industry. But when the eye of the Government ceases watching them, they will revert to type.

Mr. Quigley could render a better service to the industry if he should prevail upon the majors to stop kidding themselves and attempting to kid others.

<sup>1</sup> *Eastern States Lumber Assn. v. United States*, 234 U.S. 600, 609. *Trenton Pottery Co. v. United States*, 273 U.S. 392, 397. *American Column & Lumber Co. v. United States*, 257 U.S. 377, 400.

<sup>2</sup> *United States v. Warner Brothers Pictures, Inc., et al.* Charge to the jury by George H. Moore, D.J., on Nov. 11, 1935.

[The charge has been printed in pamphlet form by HARRISON'S REPORTS, from which copies may be secured. Ed.]

<sup>3</sup> See "A History of the Movies," by Benjamin B. Hampton, pages 64 to 82, inclusive, a very interesting narrative of this period.

<sup>4</sup> *Motion Picture Patents Company v. Laemmle*, 178 F. 105.

<sup>5</sup> *Motion Picture Patents Company v. Eclair Film Company*, 208 F. 406.

*Motion Picture Patents Company v. Ullman*, 186, F. 174.



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## Anti-Trust Litigation in the Motion Picture Industry—No. 2

By George S. Ryan

### The Hays Organization: Film Boards of Trade

With the death of the Motion Picture Patents Company, freedom returned to the industry. With freedom came competition and a period of rapid progress—an increase in the quantity and quality of films, an improvement in facilities for distribution, and a spontaneous growth of larger and more comfortable theatres. The men who had fought the "octopus" prospered mightily; the former "outlaws" became the leaders of a new industry.

In December, 1921, these competitors organized the Motion Picture Producers and Distributors of America, Inc., an association which ultimately comprised the distributors of 98 per cent of the feature films. From the Harding cabinet they took Will H. Hays to be president of the organization, with salary and expenses in six figures, which were increased to \$150,000 a year for salary and \$100,000 for personal expenses, without accountability, in addition to the allowances made for the operating expenses of the association.

The "Hays Organization" promptly began to demonstrate its value. To the public it appeared an innocuous association, devoted to the "purification" of the films and to the prevention of adverse legislation, but to its members it was an extremely efficient trade association, interested chiefly in economics and in profits. In thirty-two principal cities of the country it organized film boards of trade, under the direction of a central authority in New York City, consisting of employees of the Hays Association. These boards were the chief instruments employed to effectuate the policies of the major distributors. With their organization a new phase of anti-trust litigation was ushered into the industry.

#### (1) INTERSTATE CHARACTER OF FILM INDUSTRY

An early and favorite contention of the distributors has been that the distribution of films and their exhibition in motion picture theatres were local transactions, and that therefore the anti-trust laws, affecting only interstate commerce, were inapplicable. But in practically every case in which this contention has been advanced it has been denied.

The leading authority is the *Binderup Case*.<sup>8</sup> An exhibitor in Nebraska, who had organized a buying circuit, brought an action under the Sherman Act against the major distributors, the Omaha Film Board of Trade, and many of its members, who were representatives of distributors, alleging that, in pursuance of a conspiracy to ruin him, the distributors had placed his name upon a blacklist and refused to supply him with films. At the trial the United States District Court directed the jury to return a verdict for the defendants, on the ground that the plaintiff had not stated facts sufficiently to constitute a cause of action. But the United States Supreme Court reversed the judgment. In determining the interstate character of the business involved the court said:

The film contracts were between residents of different states and contemplated the leasing by one to the other of a commodity manufactured in one State and transported to and used in another. The business of the distributors of which the arrangement with the exhibitor here was an instance, was clearly interstate. It consisted of manufacturing the commodity in one state, finding customers for it in other states, making contracts of lease with them, and transporting the commodity leased from the state of manufacture into the state of the lessees.

To the average mind the language quoted seems very clear. It has been the underlying basis of decision in a

number of cases, including other decisions of the Supreme Court.<sup>9</sup> It has been used as a barrier of defense by the distributors themselves. There it was held that the transactions were interstate commerce, and that therefore the court had no jurisdiction.

Notwithstanding these pronouncements, it has been not unusual for the distributors to assert in general terms that the theatre business does not constitute interstate commerce, and that therefore it is not within the contemplation of the anti-trust laws; in other words, that even though the distribution of films may be interstate commerce, the operation of a theatre and the exhibition of films in it are merely local transactions.

This assertion, however, was determined adversely to the defendants by Judge Moore of the United States District Court at St. Louis in *United States v. Warner Brothers Pictures, Inc. et al.* There, in his comprehensive charge to the jury, Judge Moore recited the uncontradicted facts and pointed out that the making of contracts which result in the movement of films across state lines from a producer through a distributor to an exhibitor constitutes interstate commerce.<sup>10</sup>

#### (2) STANDARD CONTRACT: ARBITRATION AND CREDIT

The early activities of the Hays Organization and its subsidiary film boards of trade were directed chiefly toward the collection of debts and claims of distributors against independent exhibitors. This result it accomplished by joint action to enforce compulsory arbitration of disputed claims and by the establishment of collection agencies under the name of credit committees. In 1922 it caused the adoption by all distributors of a uniform contract, which, after slight modifications, became in 1928 the Standard Exhibition Contract.

To give the appearance of fairness and legality to its edicts, however, it sought for a long time to obtain from independent exhibitors the semblance of voluntary consent.

The Standard Contract contained a very stringent provision for compulsory arbitration by exhibitors against whom the distributors had claims. It was challenged by the United States Government in an equity suit to restrain the major distributors from engaging in a conspiracy in restraint of trade, and in 1929 it was condemned by the Federal Court in New York City. In his opinion Judge Thacher said in part:

... One can hardly imagine a more direct restraint upon trade than an agreement between competitors in open market not to trade except upon terms which they have fixed in advance. ... It is therefore not enough to say that competition by the distributors is keen and active, or even that it has been promoted or enhanced by what has been done, if, in fact, it can be seen that the freedom of others to engage in trade, to enter into normal commercial agreements, and to have recourse to the courts for their rights, has been undoubtedly restrained by the coercive and collective action of the defendants.<sup>11</sup>

In an opinion sustaining the decree entered at that time the United States Supreme Court said:

The fact that the Standard Exhibition Contract and Rules of Arbitration were evolved after six years of discussion and experimentation does not show that they were either normal or reasonable regulations. That the arrangement existing between the parties cannot be classed among "those normal and unusual agreements in aid of trade and commerce". ... is manifest. Certainly it is unusual and we think it necessarily and directly tends to

(Continued on last page)



**"The Witness Chair" with Ann Harding and Walter Abel**

(*RKO, April 24; time, 63½ min.*)

A fair murder melodrama. Most of the action is concentrated in the court room during a trial, the events leading up to the murder being told in flashbacks as each witness is examined. Because of the fact that one knows that the accused man is not the murderer, the development of the trial keeps one interested. With the exception of a few laughs, which are provoked by the actions of some of the witnesses, it is rather sombre entertainment, with a subdued romantic interest. As a matter of fact, the romance between Ann Harding and Walter Abel is not brought to the audience's attention until the closing scenes, where he learns of her devotion to him. It is not, however, as gruesome as some stories of this type, since the murder here is purely accidental:—

Abel is arrested for the murder of Douglas Dumbrille, his business partner. At the trial it develops that there was a shortage in Abel's business accounts of \$75,000. The District Attorney tries to prove that the signed confession, found at Dumbrille's side admitting his guilt, had been put there by Abel to make it look like suicide. It is brought out also that Dumbrille had been planning to run away with Frances Sage, Abel's young daughter, a fact of which he had been unaware. Eventually Miss Harding, who loved Abel, confesses—she knew Dumbrille had stolen the money and was planning to run away with Miss Sage. She had typed the confession, and, at the point of a gun, had forced him to sign it. In a struggle that followed she shot him accidentally; he was killed. Abel assures her that he will obtain her freedom and begs her to marry him; she agrees.

Rita Weiman wrote the story, Rian James and Gertrude Purcell the screen play, George Nicholls, Jr., directed it, and Cliff Reid produced it. In the cast are Moroni Olsen, Margaret Hamilton, Maxine Jennings, and others.

Not for children or adolescents. Adult entertainment. *Class B.*

**"Girl From Mandalay" with Conrad Nagel, Kay Linaker and Donald Cook**

(*Republic, April 15; time, 67½ min.*)

A moderately entertaining program melodrama. The story is routine, and moves at a somewhat slow pace, until the closing scenes, where the action becomes fairly exciting. The oppressiveness of the jungle setting, with its picture of suffering and heat, has a depressing effect on the spectator. And the conflict between Conrad Nagel and Kay Linaker, his wife, whom he suspects unjustly of being unfaithful, adds to one's discomfort and annoyance. There is no novelty either in the plot or presentation; therefore, it fails to keep one interested, even though one feels sympathy for Miss Linaker, who suffers because of Nagel's suspicious nature:—

When Nagel receives a letter from his sweetheart in England telling him that she had married some one else, he goes to Mandalay for a drunken spree. He becomes acquainted with Miss Linaker, a professional entertainer, and after a three day friendship he marries her; he takes her back with him to the interior. He is annoyed when Cook, his pal, recognizes Miss Linaker and greets her in a familiar manner. He immediately becomes suspicious and orders Cook away from his home. A tiger

invades the village, and the natives become so frightened that they refuse to go to the river for water. Being compelled to drink from muddy pools they become ill. Nagel doctors his workers and becomes ill himself. But he kills the tiger and thus saves Cook's life when Cook is caught in the tiger trap. Miss Linaker prepares to leave Nagel to go away with Cook. But Nagel, who realized that he had misjudged her, pleads with her to stay; they are reconciled.

The plot was adapted from the story "Tiger Valley," by Reginald Campbell. Wellyn Totman and Endre Bohem wrote the screen play, Howard Bretherton directed it, and Nat Levine produced it. In the cast are Esther Ralston, Harry Stubbs, and others.

Not for children. Adult entertainment. *Class B.*

**"I Married A Doctor" with Pat O'Brien, Josephine Hutchinson and Ross Alexander**

(*Warner Bros., April 25; time, 83 min.*)

Fair entertainment, centering around small-town folk. Warner Bros. produced this in 1923, under the title "Main Street." The theme is somewhat outmoded, for, since that time, many pictures depicting small town life have been shown. Owing more to the good performances than the story it tells, the picture holds one's attention fairly well throughout. It is not, however, entirely pleasurable, for the narrow-mindedness of the townsfolk is irksome and causes tragedy for Ross Alexander, a likeable character, whose artistic inclinations are laughed at. Several of the situations have pathos. The situation in which Josephine Hutchinson is humiliated by the accusations of Robert Barrat before her neighbors that she had ruined his son Alexander's life is one of them. The scenes depicting the callousness of the neighbors to Miss Hutchinson's suggestions for beautifying the town are touching. Pat O'Brien awakens sympathy by his patience and efforts to understand his wife. Their eventual reconciliation pleases the spectator:—

Miss Hutchinson, a city girl, marries O'Brien, a doctor in a small community, and looks forward to a happy life. But she meets with disappointment, for her neighbors are narrow-minded and bigoted, interested only in petty amusements. She befriends Alexander, a farm boy with artistic inclinations. She persuades him to leave the farm and work in town so as to save enough money to take art lessons. Alexander falls in love with her and tells O'Brien of this. O'Brien does not know what to think; he suggests that Alexander speak to Miss Hutchinson and if she should decide to go away with him he would free her. Miss Hutchinson tells Alexander he is ridiculous. In a frenzy he goes out and gets drunk; he meets with an accident, which causes his death. Miss Hutchinson decides to leave O'Brien, despite his pleas not to do so; she tells him that she cannot bear living there. But she returns in a few months, having learned that her love for O'Brien was the most important thing in her life.

The plot was adapted from the novel by Sinclair Lewis. Casey Robinson wrote the screen play, Archie Mayo directed it, and Harry Joe Brown produced it. In the cast are Guy Kibbee, Louise Fazenda, Olin Howland, Margaret Irving, and others.

The references to an affair between Miss Hutchinson and Alexander makes it unsuitable for adolescents. Good for adults. *Class B.*



**Sullavan and Henry Fonda**  
**"The Moon's Our Home" with Margaret**  
*(Paramount, April 10; time, 78 min.)*

A pretty good romantic farce. The plot is thin, but for the most part amusing. As a matter of fact, several of the situations provoke hearty laughter. This is caused by the clash of temperaments between Miss Sullavan and Fonda, both acclaimed by the public, —she as a motion picture actress, and he as an explorer-novelist. Their constant bickering may, however, prove annoying to some spectators; otherwise it is gay, although somewhat nonsensical. One or two of the situations are risqué, but it is doubtful if children will understand them. An extremely comical situation is that in which Miss Sullavan and Fonda are married by a deaf preacher who performs the ceremony while they are quarrelling. The story has little human appeal, for the actions of the characters are not sympathetic.

In the development of the plot Miss Sullavan and Fonda meet under strange circumstances, each one's identity being unknown to the other. They both have uncontrollable tempers, and the desire of each to curb the other is the cause of many heated arguments. She follows him to a New England village, still not realizing that he is the author she detests. He proposes to her, also unaware of the fact that she is the actress he detests. On their marriage night, he becomes ill from the smell of her perfume. She thinks that it had brought back remembrances to him of some one else. She is furious and runs away. He searches for her, but in vain. Eventually they meet at a New Year's party, where each one finally finds out who the other is. They start off by fighting, but end up in each other's arms.

Faith Baldwin wrote the story, Isabel Dawn and Boyce DeGaw the screen play, William A. Seiter directed it, and Walter Wanger produced it. In the cast are Charles Butterworth, Beulah Bondi, Walter Brennan, Henrietta Crosman, Dorothy Stickney, and others.

It is doubtful if children or adolescents will understand the risqué situations. *Class A.*

**"Things To Come" with Raymond Massey**  
**and Cedric Hardwicke**  
*(United Artists, April 24; time, 96 min.)*

This is an English production with an all British cast. It is a mechanical triumph—imaginative, intelligent, and unusual. It is particularly interesting now because of its timely theme, for it concerns the horrors and consequences of the next war. But it lacks human interest, for there is no one character who is of importance and for whom the audience may feel concern. It is an impersonal treatment of a serious subject, and for that reason its appeal will be directed mainly to intelligent audiences.

The first half is concerned mostly with the devastating effect of the war, which begins in 1940 and continues for twenty-six years; it shows the misery, suffering, and feeling of futility that grips the people of a mythical land, ruled by a war lord, a self-imposed dictator, who insists on peace through victory by war. The dictator is hampered by the fact that the few remaining aeroplanes are out of order and no supplies are available with which he could have them repaired. To the surprise and wonder of the people, a strange man arrives in an unusual type of plane, preaching peace and common sense. The dictator thwarts his efforts to establish friendly relations, by imprisoning him. But the imprisoned

aviator, assisting in the repair of one of the planes, enables one of the men to escape in it, sending him to his followers with a message. His followers arrive in planes and conquer the people by bombing the city with gas that puts them to sleep but does not kill them. The dictator dies.

The second half, which takes place many years later, is concerned with the new race of people who live in an underground world they have fashioned for themselves. They are shown as having progressed so amazingly that they are able to produce their own sunshine and fresh air, and to live a clean, healthy life. They are, however, forced on by an urge to progress even further, and they prepare to shoot a young couple to the moon for scientific research work. But one man, who had been resenting all this progress, asserting that it did not make for happiness, arouses the people to rebellion. They are too late, for the couple were already on their way to the moon, perhaps to make new discoveries.

The plot was adapted from the novel by H. G. Wells. Mr. Wells wrote the screen play. William M. Menzies directed it and Alexander Korda produced it. In the cast are Margueretta Scott, Ralph Richardson, Edwin Chapman, and others.

Suitable for all. *Class A.*

**"Panic on the Air" with Lew Ayres**  
**and Florence Rice**

*(Columbia, April 10; time, 55 min.)*

Just a program melodrama. The production is ordinary, and the plot is somewhat far-fetched and at times silly. It becomes a little exciting in the closing scenes, where Lew Ayres, a radio announcer is shown trapping a gang of crooks by broadcasting their whereabouts, thus enabling the police to rush there and capture them. Lew Ayres awakens sympathy by his efforts to help Florence Rice recover a large sum of money her father had paid to a criminal in a kidnapping plot. The fact that he at first mistakes Miss Rice for one of the gang provokes some comedy. This mistake had been caused by the fact that he had innocently come into possession of a five dollar bill with a series of numbers which, when decoded, gave the whereabouts of the hidden fortune; Miss Rice had threatened him with death unless he returned the note to her. The excitement in the closing scenes is caused by the fact that a gang of crooks, knowing about this bank note, are shown gaining possession of it, and imprisoning Ayres and Miss Rice. But Ayres' quick thinking brings about their capture. One of the gang confesses to the murder of a woman who had had the bank note at first, thus clearing Miss Rice of the crime attributed to her. Miss Rice, after recovering the money, decides to accept Ayres' marriage proposal.

Theodore A. Tinsley wrote the story, Harold Shumate the screen play, and D. Ross Lederman directed it. Ralph Cohn is the associate producer. In the cast are Benny Baker, Edwin Maxwell, Charles Wilson, Murray Alper, and others.

Because of the murder, it is hardly suitable for children. Adult entertainment. *Class B.*

**"Trail of the Lonesome Pine" with Sylvia**  
**Sidney, Fred MacMurray and Henry Fonda**

This was reviewed in the February 29 issue, on page 35, at which time the running time was given as 107 minutes. The film has been cut down. The correct time is now 98 minutes.



destroy "the kind of competition to which the public has long looked for protection."<sup>12</sup>

Following those opinions, the combination was declared illegal in the decisions of courts of several states. *Majestic Theatre Company vs. United Artists Corporation*,<sup>13</sup> in the Federal Court of Connecticut, was an action at law for damages for refusal of the major distributors to deal with the plaintiff except upon the illegal Standard Exhibition Contract. The court held that the complaint stated a cause of action, saying:

... The object of the combination, so far as Connecticut is concerned, is to compel all exhibitors to submit to arbitration, and obey awards. The agreement to submit is effected through an unwillingness to contract on any other basis, and as an exhibitor must accept this contract or secure no films, it is in reality a condition imposed upon his access to the market. It is a substantial impairment of his right to freely engage in interstate commerce and is unreasonable. The object of the combination is therefore unlawful.

In 1933, this action went to trial upon the merits. The plaintiff, however, was unable to show that it was a genuine lessee of the theatre that had been deprived of films; therefore, its claim of damage was denied. But in December, 1935, a verdict of \$8,000, which should, under the anti-trust laws, be trebled by the court, was (according to the trade papers) awarded by a jury in the Federal Court in Pittsburgh to Samuel Friedman, in an action against the major distributors. Thereafter the action was settled.

After the decision of the Supreme Court, the question arose whether the invalidity of the arbitration clause tainted the entire contract with illegality so that no action to enforce it could be maintained. Generally the distributors claimed that this clause was separable from the remainder of the contract, and they were able to induce some courts to adopt their views.<sup>14</sup>

It seems clear, however, that the decision of the Supreme Court was not based upon the specific effect of a single clause. The anti-trust laws recognize the coercive power of combination; they try to protect the weak individual from the oppression of powerful groups and aggregations. The evil, therefore, was the compulsion exercised on exhibitors by an irresistible combination of distributors.

In *Fox Film Corporation v. Tri-State Theatres*, which was an action for damages for failure to exhibit and pay for motion picture films, the Supreme Court of Idaho declared the entire contract illegal, because of the presence of the arbitration clause.<sup>15</sup>

A recent opinion of significance, which reviews the previous decisions and reaches the conclusion that the entire contract was illegal, was rendered by the Supreme Court of Minnesota.<sup>16</sup> In dismissing an appeal by the plaintiff in an action for damages for refusal to accept and pay for films shipped, the court said:

... The exhibitor was forced to enter the contract with the invalid arbitration clause in it if he was to receive any moving picture films. ... The arbitration feature of the contract was the strongest kind of coercion. In practice it must have compelled performance according to the views of the distributors. It more than discouraged competition, and must necessarily have been a major consideration for the contract. Without it the rights of the parties are substantially changed. ...

... Both plaintiffs' causes of action are based upon the illegal contracts. There can be no recovery even of the transportation charges. They were incurred in furtherance of those contracts. The courts will leave the parties where they find themselves.

The Film Boards of Trade were also the instruments of boycott. Under the direction of the Hays Organization they established committees in every district to investigate changes in ownership of theatres and to report upon the credit of the purchasers. Any purchaser who refused to assume existing contracts or to give all information required by the committee was placed upon a blacklist. Members were forbidden, under penalty of fine, to deal with them or to supply films unless they received excessive cash security for the performance of contracts. In wiping out these practices, the United States Supreme Court held that "the agreement for the creation and operation of the Credit Com-

mittees and their use under prescribed rules to restrict freedom of sales by Distributors and all purchases by Exhibitors," was illegal.<sup>17</sup>

### (3) ADMISSION PRICES

From the first days of the feature film there has been a uniform trend toward higher admission prices to the public, and, as a necessary corollary, toward higher film "rentals" to exhibitors. The increase has not been due merely to accident or to greater expense of production or of operating theatres. Where profit may be extracted by increasing prices, and where greed and power co-exist, it should not be surprising if the enhancement of prices were the result of design,—of concerted effort by the controlling factions.

In the Standard Exhibition Contract there were provisions for a minimum admission price of ten cents and for the regulation of prices at higher levels. These stipulations have generally been incorporated into later contracts in substantially uniform language. They have been incorporated into the Option License Agreement, which is admittedly the result of combined action of distributors, and have been strictly enforced by a provision of the Code of Fair Competition (so-called) of the Motion Picture Industry, prohibiting the exhibition of films at admission prices lower than the minimum prescribed in the contracts.<sup>18a</sup>

Is the fixing of admission prices in this manner illegal? Price-fixing is one of the great evils of monopoly. If an aggregation of individuals or corporations may prescribe the price at which an article may be sold, then obviously they may prescribe unreasonable prices, to the injury of the public. The Supreme Court has said that the "dominant thought of monopoly" is—

... the notion of exclusiveness or unity; in other words, the suppression of competition by the unification of interest or management, or it may be through agreement and concert of action. And the purpose is so definitely the control of prices that monopoly has been defined to be "unified tactics with regard to prices." It is the power to control prices which makes the inducement of combinations and their profit. It is such power that makes it the concern of the law to prohibit or limit them.<sup>18</sup>

EDITOR'S NOTE: The third article will appear in next week's issue.

<sup>8</sup> *Binderup v. Pathe Exchange, Inc.*, 263 U. S. 291. This decision is hereinafter discussed in connection with the topic "Conspiracy to Boycott or to Destroy Competitors."

<sup>9</sup> *Bellow Falls Film Corporation v. Federal Trade Commission*, 296 F. 553; *United States v. First Nat. Pictures, et al*, 282 U.S. 44; *Paramount Famous Lasky Corp. v. U. S.*, 282 U.S. 30.

<sup>10</sup> *Supra*, note 2.

<sup>11</sup> *United States v. Paramount Lasky Corporation, et al*, 34 Fed. (2d) 984.

<sup>12</sup> *Paramount Famous Lasky Corporation v. United States*, 282 U.S. 30. It may be observed that even in the face of the injunction of the District Court and the confirmatory opinion of the Supreme Court the distributors continued negotiations for a new contract through the so-called "5-5-5 conference."

<sup>13</sup> 43 F. (2d) 991.

<sup>14</sup> *Fox Film Corporation v. Buchanan*, 17 La. App. 285, 136 So. 197. *Paramount Famous Lasky Corporation v. National Theatre Corporation*, 49 F. (2d) 64. *Columbia Pictures Corporation v. Bi-Metallic Inv. Co.*, 42 F. (2d) 873. *Metro-Goldwyn-Mayer Distr. Corp. v. Bijou Theatre*, 50 F. (2d) 908. *Metro-Goldwyn-Mayer Corp. v. Cocke* (Tex. Civ. App.) 56 S.W. (2d) 489. *Fox Film Corp. v. Ogden Theatre* (Utah) 7 P. (2d) 294, 90 A.P.L. 1299.

<sup>15</sup> *Fox Film Corp. v. Tri-State Theatres*, 51 Idaho 439, 6P. (2d) 135. See, to the same effect, *United Artists Corp. v. Odeon Building, Inc.* 212 Wis. 150, 248 N.W. 784; *Universal Film Exchange v. West*, 163 Miss. 272, 141 So. 293.

<sup>16</sup> *Fox Film Corp. v. Muller*, 192 Minn. 212, 255 N.W. 845. A writ of certiorari was granted by the Supreme Court of the United States; but after argument it was dismissed for want of jurisdiction, on the ground that the question whether the provisions of the contract were severable was one of general and not of federal law, and that therefore the decision of the Minnesota Supreme Court was final. "Whether this conclusion was right or wrong we need not determine. It is enough that it is, at least, not without fair support." *Fox Film Corp. v. Muller*, 296 U.S. 207.

<sup>17</sup> *United States v. First National Pictures, Inc.*, 282 U.S. 44.

<sup>18a</sup> Code, Article 5, Subdivision E, Part 3, Section 1. The question whether such joint action, which ordinarily would be illegal, is given immunity by the unconstitutional National Industrial Recovery Act is mentioned hereinafter in the section relating to "Protection." The general effect of the Recovery Act upon price-fixing agreements is discussed by the writer in his article on Industrial Recovery and the Anti-Trust Laws, Boston University Law Review, Vol. XIII, pp. 577, 625-631.

<sup>18</sup> *National Cotton Oil Company v. Texas*, 197 U.S. 115.



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### Anti-Trust Litigation in the Motion Picture Industry—No. 3

By George S. Ryan

#### ADMISSION PRICES (Continued)

In cases too numerous to mention the courts have condemned combinations to control prices.<sup>19</sup> And in *Paramount Famous Lasky Corporation v. Federal Trade Commission*,<sup>20</sup> the "block-booking case," the Federal Circuit Court of Appeals in New York, speaking of motion picture films, said:

But in the sale or lease, it is unlawful if the sale is attempted to be brought about by an agreement, either actual or implied, as to the maintenance of resale prices.

This statement is a reasonably clear answer to the question of the legality of fixing minimum admission prices. But disregarding it, the distributors, in an effort to increase admission prices, have adopted and maintained a policy of regulating the period of protection by the prices of admission. Even while doing so, however, they have been under no illusion as to the legality of the practice. On July 9, 1930, during the concerted drive of the Hays Organization to force protection agreements upon unwilling exhibitors,<sup>21</sup> Mr. C. C. Pettijohn, General Counsel of Film Boards of Trade, New York, sent the following telegram to the Secretary of the Film Board of Trade in Boston:

There is doubt about legality of basing protection first runs on admission prices.

On July 11, 1930, Mr. Gabriel Hess, the general attorney, sent a letter to the secretaries of all film boards in the United States, quoting a telegram to the Secretary of the Seattle board, in part as follows:

Your plan outlined your telegram July 11th to Pettijohn to vary length of protection for first runs, depending upon admission price, is subject to legal attack for reason it may be claimed to be means of maintaining and increasing admission prices. Therefore, advise abandoning it so far as first run theatres are concerned, limiting use of admission price, if that is desirable, to fixing time when pictures available for all runs subsequent to first runs.

The language in these telegrams is eloquent and conclusive.

In only one Federal decision has the issue of the legality of the practice of prescribing minimum admission prices by clauses in exhibition contracts been squarely raised and determined.<sup>22</sup> The question arose in the Federal Court at Minneapolis on an application of temporary injunction, which was heard and determined on affidavits, without a trial on the merits. District Judge Nordbye found:

... The high cost of production of the modern motion picture film requires an arrangement between the distributor and exhibitor whereby the former may be assured of a sufficient source of revenue to repay the costs of production, with a profit. The distributors, therefore, have a direct interest in the admission price of the theatre where its pictures are exhibited, not only to enable the exhibitor to pay a flat rental, and in some instances a percentage, but to protect the first exhibitor from ruinous competition, which would result if the second or subsequent runs of the film in other theatres were exhibited at a price, or under circumstances that would influence the theatre-going public to refrain from patronizing the first-run theatres. If the public was aware that a picture film could be seen at a second-run theatre a short time after its initial showing at a price substantially less than the price charged by the first-run theatre, it is apparent that the public would refuse to pay the advanced prices charged by the first-run theatres, with the resulting effect on the exhibitors' rental and percentage.

... It therefore becomes necessary for the distributor, in order to secure its pecuniary reward for its copyrighted film, to license the same for such a price and under such circumstances as may be consonant with sound business policy and foresight, and with that end in view, all of these defendant distributors have adopted certain policies which are varied in various particulars with reference to clearance, admission price, and the exhibition of a feature film with another feature film on the same program.

In passing it may be noted that this view of the right of a distributor to maintain admission prices by agreement with an exhibitor is in apparent conflict with the *dictum* of the Circuit Court of Appeals in New York in the *Federal Trade Commission Case*. It seems wholly to disregard the basic philosophy of the anti-trust laws to encourage competition.

Judge Nordbye further stated that all the defendant distributors had refused to license the exhibition of their films by the plaintiff at a price less than fifteen cents, but that the showing did not justify a finding that this policy was a result of conspiracy, agreement or understanding among them.

The Court finds on this showing that the policy of these defendants with respect to the establishment of a minimum admission price and the prohibition of double features in the theatres in this vicinity where their films may be licensed, is predicated on long years of experience in the moving picture field, and that such policy has for its purpose, and does tend to secure to the defendant distributors, a better remuneration for their copyrighted motion picture films, so licensed and to be licensed.

Except that the motion was heard on affidavits of both parties, it does not appear from the findings or the memorandum of the judge what evidence was presented to him. Had he been convinced that the simultaneous establishment of an identical price was due to agreement among the distributors, it is clear that he would have denounced the policy as a conspiracy in restraint of trade. But he was obviously reluctant to make a finding of criminal conspiracy without a trial on the merits. What may be the decision after the complete evidence is produced cannot now be predicted.<sup>23</sup>

The legality of the price-fixing stipulation has been challenged as within the condemnation of state anti-trust laws. In Kansas the Supreme Court held that the 10 cents minimum admission clause was obviously illegal.<sup>24</sup> The court said:

This provision plainly violates the inhibition against price fixing contained in the 5th sub-division of R. S. 50-101, relating to combinations in restraint of trade. The combination is between the plaintiff and defendant. To create it, as was done by both plaintiff and defendant, or to carry it out, as was done by plaintiff but not by defendant, subjected the guilty party to fine and imprisonment. . .

In Texas, however, the Court of Civil Appeals affirmed an order of the lower court, denying an exhibitor's application for an injunction against a conspiracy to refuse to deliver films to him without an agreement specifying protection and minimum admission prices.<sup>25</sup> The judge ruled, among other things, that the state anti-trust laws had no application to transactions in interstate commerce, such as the making of contracts for the exhibition of films, or to the licensing of copyrighted films.

Obviously the first ground of decision was proper.<sup>26</sup> It is equally clear that the copyright law grants no special privilege to violate the anti-trust act.<sup>27</sup> A manufacturer

(Continued on last page)



### **"Federal Agent" with William Boyd and Irene Ware**

(*Republic, April 10; time, 60 min.*)

Just a moderately entertaining melodrama of the G-Men variety. It is hampered by a somewhat weak production, but where patrons are not too exacting in their demands it should give fair satisfaction. It holds the spectator in suspense, owing to the dangerous mission William Boyd undertakes in uncovering a gang of international spies. The closing scenes, which show Boyd capturing Don Alvarado, the leader, and saving Irene Ware, should appeal particularly to men because of the tough fight. The love affair between Boyd and Miss Ware is developed in a pleasant manner:—

When Boyd, a Federal Agent, learns that his pal, who had been on the trail of a gang of spies, had been killed by them, he gives up all thought of a vacation to work on the case. His investigations lead him to the hideout. He knows that Miss Ware is connected with the gang, and, although she pleads with him to have faith in her, he is somewhat suspicious of her actions. He eventually breaks up the gang by capturing Don Alvarado, the leader. He is happy to learn that Miss Ware was not one of the gang; her purpose in joining was to avenge the death of her brother, killed by them. Boyd and Miss Ware marry.

Barry Barringer wrote the original screen play and Sam Newfield directed it. In the cast are Charles A. Browne, Lenita Lane, and others.

Suitable for all. *Class A.*

### **"Absolute Quiet" with Lionel Atwill and Irene Hervey**

(*MGM, April 24; time, 69 min.*)

A fair program comedy-melodrama. The story is disconnected and meaningless, but it is fairly entertaining because of amusing characterizations and of somewhat exciting action; it should hold the attention of an average audience fairly well throughout. But it lacks human appeal, for not one of the characters is motivated in his actions by a desire to help any one else except himself. As a matter of fact, the story revolves around persons who are selfish and unkind. The excitement in the second half is caused by the arbitrary actions of Wallace Ford and Bernadene Hayes, two criminals, who, at the point of a gun, compel every one to do their bidding. Raymond Walburn, as a nitwit governor, arouses laughs because of his egotism. There are two romances intertwined in the plot, but they are incidental:—

Atwill, following his doctor's orders to take a rest, goes to his ranch accompanied by Irene Hervey, his secretary. She repulses his advances, telling him that she loves Harvey Stephens, her husband, who worked for Atwill. Ford and Miss Hayes, two escaped convicts, stop at the ranch and order them to give them food and shelter. Atwill receives distress calls from a plane, asking him to flood his landing field with lights. The criminals, fearing that they might be caught, do not permit Atwill to switch on the lights, with the result that the plane crashes, killing the two pilots. All the passengers are saved and brought to the house. Louis Hayward, a motion picture actor, one of the passengers is consoled by Ann Loring, an actress, when he becomes despondent owing to the injuries he received on his face which would scar him. Atwill is interested mostly in Walburn, the governor, another passenger, whose political future he hoped to ruin. He urges Ford and Miss Hayes to compel Walburn to sign a pardon for them. Atwill is jubilant, knowing that this will ruin Walburn. But his plans are thwarted by Hayward, who shoots and kills the criminals when he learns that they were responsible for the crash. Miss Hervey is happy when her husband arrives. Stuart Erwin, a newspaper reporter, who accompanied Walburn, arranges for a story in which Walburn will appear as a hero.

George F. Worts wrote the story, Harry Clork, the screen play, George B. Seitz directed it, and John W. Considine, Jr., produced it. In the cast are Robert Gleckler, and others.

Not for children or adolescents. Good for adults. *Class B.*

### **"The Ex-Mrs. Bradford" with William Powell and Jean Arthur**

(*RKO, May 15; time, 81 min.*)

Excellent! It is similar to "The Thin Man," in type and entertainment values, cleverly combining murder-mystery melodrama with comedy and romance. The mystery angle is sufficient in itself to hold the attention of an audience, for the identity of the murderer is not divulged until the end. And the manner in which this is done is both novel and exciting. The action is fast, and one is held in tense suspense because of the danger to William Powell, who had innocently become involved in the murder. The good-humored teasing that goes on between Powell and Jean Arthur, his ex-wife, who is intent on remarrying him, provokes many hearty laughs. The comedy is timed excellently; at no time does it retard the action or lessen the suspense.

In the development of the plot, Miss Arthur, Powell's divorced wife, suggests that, instead of paying her alimony, he remarry her. Powell, remembering that her insatiable desire to determine the outcome of murder mystery stories had ruined their marriage, refuses to take another chance. Just as she had promised never to bother him again with such things, he is called upon to solve the strange death of a jockey, killed while riding the favorite horse. Miss Arthur is jubilant, for this gave her a chance to work with Powell again. Several persons are under suspicion. Powell receives threatening letters, and at one time he is shot. Miss Arthur's quick thinking, in publishing a story that Powell had died from the wounds, helps him to continue with his investigation. He eventually solves it by proving that the murders had been committed by Grant Mitchell, who had been jealous of his wife's affair with another man. The case finished, Miss Arthur succeeds in convincing Powell that he should remarry her.

James Edward Grant wrote the story, Anthony Veiller the screen play, Stephen Roberts directed it, and Edward Kaufman produced it. In the cast are Eric Blore, Lila Lee, James Gleason, Erin O'Brien-Moore, Robert Armstrong, and others.

Because of the murders, exhibitors will have to use their own judgment about showing it to children. Good for adults. *Class B.*

### **"Special Investigator" with Richard Dix and Margaret Callahan**

(*RKO, May 8; time, 61 min.*)

This G-Men melodrama is fair program entertainment. But, despite its ordinary plot, it should satisfy audiences that enjoy pictures of this type, for it keeps one in fair suspense throughout. The closing scenes are the most exciting; there the G-Men are shown capturing the gangsters. The gangster activities are not demoralizing since each one of the gangsters is shown paying for his misdeeds. Richard Dix awakens sympathy by his bravery in rounding up the gangsters. The romantic interest is pleasant:—

When Owen Davis, Jr., a federal agent, is killed by gangsters, Dix, his brother, decides to get the gang responsible for the murder. He follows them to their hideout in a western town, where he establishes himself as a lawyer. He becomes acquainted with Margaret Callahan, sister of J. Carrol Naish, the gangster leader, and through her gains admission to the hideout. He eventually leads the federal men to the hideout; and the entire gang is wiped out. Miss Callahan, who had not been aware of her brother's activities, is consoled by Dix, who loves her.

Erle Stanley Gardner wrote the story, Louis Stevens, Tom Lennon and Ferdinand Reyher the screen play, Louis King directed it, and Cliff Reid produced it. In the cast are Harry Jans, Ray Mayer, Erik Rhodes, Sheila Terry, and others.

Not for children or Sundays; adult entertainment. *Class B.*

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### "August Week-End" with Valerie Hobson and G. P. Huntley, Jr.

(Chesterfield, April 25; time, 64 min.)

Just a moderately entertaining comedy-drama. The story is trite and somewhat unpleasant, and none of the characters do anything to awaken one's sympathy. Despite reasonably good performances, the actors are handicapped by weak dialogue and forced situations; for that reason they fail to make their respective roles impressive. An attempt is made to justify the actions of Paul Harvey, who wants to run away with Valerie Hobson, supposedly no older than his own daughter; but the only feeling one has towards him is that of antipathy:—

Harvey, although married and the father of two grown children, is infatuated with Miss Hobson. He knows that G. P. Huntley, Jr., loves her, but cannot marry her because he is broke. He suggests to Huntley that if he will marry Dorothea Kent, his daughter, he will provide handsomely for him. Harvey tells Miss Hobson that she, too, is without funds, her father's estate having been completely wiped out by poor investments; he suggests that she accept money from him but she refuses. Miss Hobson and Huntley are among the guests at Harvey's estate for the week-end. Harvey speaks to her, asking her to run away with him. He tells her the Government is about to start an action against him for income-tax evasion, and if she would agree they could leave the country and live in luxury with the wealth he had accumulated. She asks him for time to think. Betty Compson, another guest, in order to humiliate Miss Hobson, who had refused to give her money, accuses her of stealing her necklace. Huntley assumes the guilt to protect Miss Hobson. Eventually Miss Compson confesses that she had hidden the necklace to collect the insurance money Miss Hobson and Huntley decide that, despite their poverty, they will marry and try to work things out. Harvey realizes that he had been foolish, and accepts his wife's offer to take her money, pay his debts, and start again.

Faith Baldwin wrote the story, Paul Perez the screen play, Charles Lamont directed it, and Geo. R. Batcheller produced it. In the cast are Claire McDowell, Frank McIlton, Maynard Holmes, and others.

Unsuitable for children, adolescents, or Sundays. Adult entertainment. *Class B.*

### "Desert Justice" with Jack Perrin

(Atlantic Pict., May 1; time, 56 min.)

A good action melodrama; it holds the spectator's attention throughout. The spectator's sympathy is awakened for Jack Perrin, the hero, when he is prevented by gangsters from calling a doctor for his wounded brother. The comedy is provoked by Warren Hymer, both by his actions and the things he says. The scenes in which a dog and a horse race through the desert are thrilling. There is a pleasant romance between Perrin and Maryan Dowling:—

Perrin, a mounted policeman, resigns when the department decides to disband the mounted police. He arrives at the public auction after Starlight, his horse, had been sold to Miss Dowling, the daughter of the police commissioner. She gives the horse to Perrin because he had once saved her life. Snowflakes, Perrin's friend, is killed trying to prevent a bank robbery, but Perrin captures one of the robbers. Returning to his ranch, Perrin finds the bank robbers, including his brother (David Sharpe), hiding out there. In a fight that follows, Sharpe is killed. When Perrin's horse gallops to town riderless, the sheriff senses a tragedy and summons a posse. Miss Dowling, arriving with Braveheart, her dog, in time to free Perrin from a burning house, in which he had been left by the robbers bound, directs the posse, while Perrin sets out on foot to overtake the robbers, followed by Braveheart and Starlight. "Rod," one of the robbers, after wounding his partner, blows up a dam to escape, but is attacked by Braveheart and is killed in a fall from the dam. Perrin and Miss Dowling marry.

Alan Hall wrote the story, Gordon Phillips the screen play, Lester Williams directed it. William Berke produced it. In the cast are Dave Sharpe, Roger Williams, and others.

Suitable for all. *Class A.*

### "The Last Journey"

(Twickenham-Atlantic Pictures; time, 56½ min.)

A highly exciting English-made melodrama; it holds the spectator in suspense throughout. All the action takes place aboard an English train, the thrills being caused by the fact that the engineer raced the train to wreck it, and the fireman with it; he had become mentally unbalanced because he resented his proposed retirement from service, and because he thought that his wife had been untrue to him, suspecting his fireman. The story is presented in a sort of "Grand Hotel" style, there being many by-plots, involving several groups of the passengers. The scenes that show the panic among the passengers when they become aware of the fact that the engineer intended to wreck the train are extremely realistic. The situations that show the train switched to another track by each towerman just as it was about to crash are suspenseful; the situation that shows one towerman switching it off just as it was about to crash into a freighter is the most thrilling of them all. The scenes that show Godfrey Tearle, a doctor, hypnotizing the engineer and bringing him back to his senses are very effective. One feels sympathy for Judy Gunn, one of the passengers, when one learns that she had married Hugh Williams, unaware of the fact that he already had a wife and that he was marrying her only for her money; he was a petty gambler, interested in getting hold of her fortune. She is saved at the end of the run by her former sweetheart, who had raced after the train by automobile and aeroplane, to warn her against Williams. She is overjoyed to find him, and tells him how unhappy she was for having made that foolish mistake. Two crooks, who had been picking the pockets of several passengers, are apprehended by a detective from whom they had tried to steal a wallet, and are taken into custody. Williams, too, is arrested.

J. J. Farjeon wrote the story, and H. F. Mear and John Soutar the screen play. Bernard Vorhaus directed it. In the cast are Michael Hogan, Olga Lindo, Nelson Keys, and others.

Suitable for all. *Class A.*

### "Captain January" with Shirley Temple, Guy Kibbee and Slim Summerville

(20th Century-Fox, April 17; time, 76 min.)

Spectators will have to be devoted Shirley Temple fans to enjoy this, since it depends for its entertainment values entirely on her talents. The story is immature and hardly of the type to hold the interest of adults; it should, however, appeal to young folk, who will sympathize with Shirley in her school problems, and will cry with her when she is separated from Guy Kibbee, her guardian. She is extraordinarily good, singing and dancing with skill; particularly entertaining is the dance number she does with Buddy Ebsen, as her partner. She keeps up with him in all the intricate steps, and looks adorable in the outfit she wears for this dance. The situation in which Kibbee and Slim Summerville coach Shirley for her school is extremely amusing. There is a slight romantic interest, but it is incidental:—

Kibbee, keeper of the lighthouse, had reared Shirley from babyhood, after having rescued her from the sea; he loves her as his own. Sara Haden, a spiteful old maid, whose efforts to take Shirley away from Kibbee had been thwarted, sees an opportunity to carry out her plans when Kibbee loses his position. Summerville, Kibbee's bickering friend writes a letter to relatives, whose address he had found in an album belonging to Shirley. They arrive in time to take Shirley away with them and thus save her from being placed in an institution. Shirley misses Kibbee; she is, therefore, delighted when her uncle takes her to the new yacht he had bought, for there she finds Kibbee as the Captain, Summerville as the first mate, and Ebsen as one of the crew.

Laura E. Richards wrote the story, and Sam Hellman, Gladys Lehman and Harry Tugend the screen play. David Butler directed it and B. G. DeSylva was the associate producer. In the cast are Jane Darwell, June Lang, Jerry Tucker, and others.

Suitable for all. *Class A.*



who has parted with the title to his product has no right to insist upon an agreement for resale price maintenance. Whether a distributor who merely licenses the exhibition of films may, by agreement with the exhibitor alone, prescribe the minimum admission price, is still open to some question.<sup>23e</sup> If, however, there is a combination of distributors, the concerted action manifestly constitutes a conspiracy in restraint of trade.<sup>23f</sup>

#### (4) DOUBLE FEATURES

In a suit in equity filed in Los Angeles by the United States against Fox-West Coast Theatres and the major distributors<sup>24</sup> for an injunction against an existing conspiracy, mainly in relation to protection but also in regard to double-features by independent exhibitors, a consent decree was entered in 1930, enjoining the defendants from collusively—

Excluding or attempting to exclude from the aforesaid interstate trade and commerce in motion picture films all said unaffiliated exhibitors who—

"(1) Exhibit two feature motion pictures on one program."

The spirit and meaning of this decree, however, have been completely ignored by the major distributors. In recent years their contracts have contained stipulations against the exhibition of a second film of feature length, all in substantially identical language.

The prohibition of double features by the distributors was challenged in a suit brought in the United States District Court at Philadelphia in 1934 by Harry Perelman, an independent exhibitor.<sup>25</sup> In declaring that the plaintiff was entitled to an injunction against the defendants, the court found that the ban against double-features was due to conspiracy among them; and that it tended to create a monopoly in the production and distribution of films, and to lessen competition by preventing purchases by exhibitors from independent distributors. In an impressive opinion Judge Welsh said:

... The chancellor was deeply impressed with the fact that by reason of the tremendous concentration of resources that are in the power and control of these defendants they are able to absolutely dictate their own terms and conditions upon which an exhibitor may do business with them.

... The chancellor watched with close attention the unfolding of the facts in this case by the various witnesses. He could not but be impressed with a sense of uneasiness at the conditions as they were revealed. What impressed him most was the already almost complete domination of the industry by the defendants and a realization that if this domination were to go unchecked, or be further extended, the opportunity for the expression of the cultural life of our great nation would be controlled completely by a small group who might or might not be representative of the aspirations and inspirations of our people. The chancellor was irresistibly forced to the conclusion that if the restraints of trade and commerce practiced by the defendants in their contracts now complained of were permitted to continue, the independent producer and the independent exhibitor would be greatly injured and interfered with, and the public welfare impaired. This is particularly true just at this time, when the economic conditions are such that if the independent producer and the independent exhibitor are permitted to be handicapped in the manner complained of they will not be able to survive, and if destroyed it might be a long time before the monopolistic control and domination could be challenged or broken.

In affirming the decree, the Circuit Court of Appeals of the Third Circuit,<sup>26</sup> through Buffington, C. J., referred to the injunction of the California Court in 1930, to the voluntary abandonment of double-features in 1932 by some exhibitors, and to the declaration of an executive of one of the defendants<sup>27</sup> at a meeting of producers, distributors and exhibitors in Los Angeles that—

... a method has been devised to stop the exhibition of double features and that the distributors could take and had taken steps to remove the menace. He further stated to the meeting that the practice had been stopped in Chicago and if the theatres wanted features, they must use "our features and not use double features."

The court refused to revise the finding that the defendants had entered into a combination and conspiracy to restrain interstate trade, in violation of the Sherman Act.

... The necessary and inevitable tendency of the conspiracy or combination is to produce a material and unreasonable restraint on interstate commerce.

In this case the district court found that the defendants had combined or conspired to outlaw the exhibition of full length motion pictures. The evidence of the conditions in the industry leads to the conclusion that the inclusion of those provisions in the contracts between the defendants and independent exhibitors seriously affects the exhibitors and the smaller producer. This tends to reduce production and stifle competition. Whether or not the defendants intended to suppress competition, we do not need to know; the fact is that their contracts operated to that effect.

The District Court held that the acts of the defendants also had violated section 3 of the Clayton Act, prohibiting contracts not to use the goods of competitors. The Circuit Court of Appeals ruled that, as the plaintiff was clearly entitled to an injunction to prevent violation of the Sherman Act, it was unnecessary to determine whether the Clayton Act also had been violated.

The decision was rendered on January 16th of this year. On January 30th Judge Nordbye of the Federal Court at Minneapolis, after a preliminary hearing on affidavits, refused an exhibitor a temporary injunction commanding the major distributors to discontinue their combination and conspiracy to prohibit the exhibition of double features.<sup>28</sup>

The court found that—

... all of the distributors have provisions in their license contracts prohibiting double feature programs, and while it has not been satisfactorily established at this showing that all the defendants have directly refused plaintiff a license contract with the elimination of this provision, it fairly appears that if such a request were made by the plaintiff, the various defendants would refuse.

In line with its determination in regard to admission prices, the court declared that "the showing herein does not justify a finding that the practice and policy" with respect to the clause prohibiting double features was the result of any conspiracy, agreement or understanding among the defendants.

<sup>20</sup> See, for example, *Standard Sanitary Manufacturing Co. v. United States*, 226 U.S. 20; *Trenton Pottery Co. v. United States*, 273 U.S. 392.

<sup>20</sup> 51 F. (2d) 152, 156.

<sup>21</sup> For further comment, see "(8) Protection."

<sup>22</sup> *Schubert Theatre Players Co. v. Metro-Goldwyn-Mayer Distributing Corporation* (D.C. Minn. 4 D.) Jan. 30, 1936.

<sup>23</sup> See (4) "Double Features," below, where this decision is further discussed.

<sup>23a</sup> *United Artists Corp. v. Mills*, 135 Kan. 655, 11 P. (2d) 1025. The plaintiff's petition for rehearing was denied, 135 Kan. 33, 12 P. (2d) 785, on the ground that its contentions as to the effect of copyright and interstate commerce had not been properly raised and were not open on the record.

<sup>23b</sup> *Glass v. Hoblitzelle*, 83 S. W. (2d) 796.

<sup>23c</sup> See the *Binderup Case* and other decisions cited above in the section "Interstate Character of Film Industry."

<sup>23d</sup> See *Standard Sanitary Manufacturing Co. v. United States*, 226 U.S. 20, *Straus v. American Publishers Assn.*, 231 U.S. 222, 234-5, and other decisions cited by the writer in his article on "The Status of the American Society," in HARRISON'S REPORTS, Second Section, Sept. 8, 1934.

<sup>23e</sup> *Bauer & Cie v. O'Donnell*, 229 U.S. 1. *Federal Trade Commission v. Beech-Nut Packing Co.*, 257 U.S. 441. *United States v. General Electric Co.*, 272 U.S. 476; *Same*, Decrees and Judgments in Federal Anti-Trust Cases, 267, 270, 272.

<sup>23f</sup> See decisions cited above in notes 2 and 13.

<sup>24</sup> *United States v. Fox West Coast Theatres, et al*, D.C. S.D. Cal., C.D., No. Equity.

<sup>25</sup> *Perelman v. Warner Brothers Pictures, Inc. et al*, 9 F. Supp. 729.

<sup>26</sup> *Vitagraph, Inc. et al v. Perelman*, (C.C.A. 3) Jan. 16, 1936.

<sup>27</sup> Said to be Louis B. Mayer of Metro.

<sup>28</sup> *Schubert Theatre Players Co. v. Metro-Goldwyn-Mayer Distributing Corporation*. (D.C. Minn. 4D) Jan. 30, 1936. This decision has been already discussed under the topic "Admission Prices."

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## Anti-Trust Litigation in the Motion Picture Industry—No. 4

By George S. Ryan

### DOUBLE FEATURES (Continued)

In a memorandum accompanying the findings, the court explained that an application for a temporary injunction should be granted with caution, particularly when the charge of conspiracy was denied; that he had given consideration to the decisions in the *Perelman Case*, but—

... the Court is constrained to the view that the granting of any relief by way of injunction, if it is to be granted, should abide the hearing of the case on its merits, when the witnesses are before the Court, and at which time the Court will be in a much better position than it is on this showing by way of affidavits to determine the merits of plaintiff's charge of an illegal combination in violation of the anti-trust laws.

It should be noted that any views expressed in these findings are necessarily predicated on the Court's consideration of the affidavits submitted, and any apparent finality expressed therein is subject to such change and modification that the trial on the merits may justify.

The qualification is not inappropriate. Injunctions necessarily should be granted with caution before a trial upon the merits. But in view of the consent decree in the Los Angeles court, by which the distributors admitted their wrong, and of the well-considered opinion of District Judge Welch, which was approved by a conservative Circuit Court of Appeals; in view also of the opinion of the New York Circuit Court of Appeals in regard to the invalidity of agreements to maintain resale prices; and in view of the simultaneous adoption of identical policies by the distributors, with a long record behind them of joint action and conspiracy—because of all these considerations it may well be thought, unless the evidence of the plaintiff was very weak, that the judge was acting with excessive caution in denying immediate relief.

### (5) BLOCK-BOOKING

If a manufacturer of a line of articles in common use, of standard material, size and quality were to demand that his customers purchase the full line of his product before he started production, what reaction might he expect? If, further, the line were not of standard material or quality but was dependent to a high degree upon the exercise of literary and artistic ability, would he expect that individual customers would agree to pay thousands of dollars for it without samples or specifications?

Yet that is exactly the practice of the motion picture producers. It is what is known as block-booking and blind-buying. (Not blind-selling, as it is sometimes designated, because the seller is not blind; he knows in advance the revenue he will receive. It is the buyer who deals with his eyes shut.)

This unusual practice has been the subject of great censure. Upon it has been concentrated a great deal of the criticism and dissatisfaction that might well be directed at other methods and policies of the industry. It has been the target of abuse at hearings of committees of Congress and in proceedings before the Federal Trade Commission, as well as in the courts.

The criticism is entirely disproportionate to the importance of the subject. Block-booking is an enervating practice, which tends to destroy incentive to efficient production and which eliminates the element of retail choice; but, although comparatively novel, it has become essential to the existence of many exhibitors, because of the prevalence of other vicious and destructive policies, chiefly monopoly of product by producer-controlled theatres and protection

against the competition of subsequent-run houses. Since the result of these practices is to make it impossible for most independent exhibitors to obtain an adequate supply of films within a reasonable time after their release for exhibition, many exhibitors frequently are willing to book major films singly or in blocks, at any time. The problem is not one of selection, with any opportunity to bargain, but whether they will be able in any event to secure sufficient films.

Block-booking was originated in or about 1914, by Paramount Pictures Corporation, which was then a distributing agency for the films of Famous Players, the Lasky Corporation, and the Bosworth Company. It first came under fire before a legally constituted tribunal in 1921 upon a complaint of the Federal Trade Commission, that Famous Players Lasky Corporation, the Stanley Company of America, Black New England Theatres, Inc., Southern Enterprises, Inc., and certain subsidiaries and officers of those corporations, were using unfair methods of competition in violation of the Federal Trade Commission Act. The complaint charged not only the prosecution of a policy of block booking, but also the acquisition of motion picture theatres, particularly first-run houses, as a part of a plan to coerce exhibitors into booking the films of Famous Players. Lengthy hearings throughout the United States, resulting in a typewritten record of more than 17,000 pages of testimony and 15,000 pages of exhibits, developed very interesting testimony in regard to block-booking and the acquisition of theatres by intimidation, and the policy of forcing exhibitors to buy the full line of films at exorbitant prices by threats of new local competition.

On July 9, 1927, the Federal Trade Commission made findings of fact and conclusions of law, and entered an order that the respondents cease and desist from enforcing the conspiracy among them to lessen competition and restrain trade and commerce in the motion picture business. They ordered the respondents to cease and desist—

2. From leasing or offering to lease for exhibition in a theatre or theatres motion picture films in a block or group of two or more films at a designated lump sum price for the entire block or group only and requiring the exhibitor to lease all such films or be permitted to lease none, and from leasing or offering to lease for exhibition such motion picture films in a block or group of two or more at a designated lump sum price for the entire block or group and at separate and several prices for separate and several films, or for a number or numbers thereof less than the total number, which total or lump sum price and separate and several prices shall bear to each other such relation as to operate as an unreasonable restraint upon the freedom of an exhibitor to select and lease for use and exhibition only such film or films of such block or group as he may desire and prefer to procure for exhibition; or shall bear such relation to each other as to tend to require an exhibitor to lease such entire block or group or forego the lease of any portion or portions thereof; or shall bear such relations to each other that the effect of such proposed contract for the lease of such films may be substantially to lessen competition or tend to create a monopoly in any part of the certain line of commerce among the several States, or with foreign nations, involved in said proposed sale, to-wit: the business of the production, distribution and exhibition of motion picture films to the public, or the business of production and distribution, or of production or distribution of moving picture films for public exhibition.

(Continued on last page)



### "Florida Special" with Jack Oakie, Sally Eilers and Kent Taylor

(Paramount, May 8; time, 67 min.)

Moderately entertaining. All the action takes place aboard a train bound from New York to Florida; it revolves around several characters, none of whom are particularly important. The action lags, because it takes too long to establish its characters. There is a fair degree of excitement in the second half, where the rival crooks attempt to steal a fortune in diamonds from Claude Gillingwater, an eccentric millionaire. The brightest feature is Jack Oakie's wisecracking; his comedy breaks the monotony. One feels sympathy for Sally Eilers, train hostess, who is threatened by Sidney Blackmer with exposure of her past unless she aid him to get the stolen jewels off the train. The romantic interest is pleasant:—

Oakie, a reporter, finds himself on his way to Florida against his will. He had helped his pal, Taylor, who had become drunk because Frances Drake, the millionaire's niece, had turned him down, on the train and had been compelled to remain with him in order to quiet him. Taylor is surprised to find Miss Drake and Gillingwater on the same train. He assures her that he no longer loves her. He becomes acquainted with Miss Eilers, train hostess, and falls in love with her. He knows she is being troubled by Sidney Blackmer, but when he offers his assistance he is asked not to interfere. Excitement reigns when Gillingwater is missing and his box of jewels stolen by Blackmer. Oakie, sensing a good story, sets out to unravel the mystery. He finally finds Gillingwater, who had taken the place of a sick man brought on the train in order to outwit the crooks. He puts every one at ease by telling them that the jewels Blackmer had stolen were imitations and that he had the real ones. Mathew Betz, the rival crook, overhears this and, at the point of a gun, steals the jewels. Fortunately for Gillingwater a delegation of policemen, who had come to the station to greet J. Farrell MacDonald, a New York detective, are on hand to capture the crooks and retrieve the jewels. Miss Eilers tells Taylor about her past; they plan to marry.

Clarence Budington Kelland wrote the story, and David Boehm, Marguerite Roberts, Laura Perelman and S. J. Heller, the screen play. Ralph Murphy directed it, and Albert Lewis produced it. In the cast are Sam Hearn, Mack Gray, Dwight Frye and others.

Not for children or Sundays. Adult entertainment. *Class B.*

### "Under Two Flags" with Ronald Colman, Claudette Colbert, Victor McLaglen and Rosalind Russell

(20th Century-Fox, May 1; time, 110 min.)

This undoubtedly will prove a good box-office attraction because of the popularity of the stars, the lavish production, and the fact that the Ouida novel has been read widely. But judged solely by the merits of the screen story, it is only fair entertainment, with an appeal mostly to men who enjoy melodramas centering around the Foreign Legion. The producers did not take advantage of the human-interest material that the novel provided in the early part. Sympathy could be awakened for Ronald Colman, the hero, by showing the sacrifice he had made to cover up a crime committed by his brother. But this important fact is only hinted at, leaving the audience in doubt as to his identity. For this reason, one's emotions are not stirred when Colman, because of his past, is unable to propose to Rosalind Russell, the woman he loves, since one does not know about this past. One feels sympathy for Claudette Colbert, who dies in an effort to save Colman, whom she loved. The situation in which she tearfully bids him farewell is touching. The second half is fairly exciting; in this part, scenes of the battle between the Foreign Legion soldiers and the Arabs are shown. The closing scenes, which show the Arabs routed, are the most exciting.

In the development of the plot, Miss Colbert, owner of a cafe frequented by the Foreign Legion soldiers, falls deeply in love with Colman. This is resented by Victor McLaglen, Colman's superior officer, who loves Miss Colbert. Colman meets and falls in love with Miss Russell, an aristocratic English girl, visiting in Africa. He tells her he loves her but cannot marry her because, if he were to go back to England, he would be put in prison. He refuses to tell her anything about the crime. When his company is sent to the Desert to fight against an outlaw chief and his tribe, McLaglen sends Colman on the most dangerous missions, hoping that he will be killed. In the meantime, Miss Rus-

sell's uncle arrives from England. He notices a carved horse made by Colman and from the horse's name, carved on the model, he realizes that he is the man who had been unjustly accused of a crime committed by his brother. The brother had confessed just before he died. Miss Colbert learns that McLaglen is trying to have Colman killed; she rushes to the desert fort to warn Colman. When she arrives there she finds the fort surrounded by Arabs and rushes back for help. She arrives with a new contingent in time to save the remaining men. She is killed, and buried with honors. Colman, his name cleared, plans to go back to England with Miss Russell as his bride.

W. P. Lipscomb and Walter Ferris wrote the screen play, Frank Lloyd directed it, and Darryl F. Zanuck produced it. In the cast are Gregory Ratoff, Nigel Bruce, C. Henry Gordon, Herbert Mundin, and others.

Suitable for all. *Class A.*

### "Times Square Playboy" with Warren William and June Travis

(Warner Bros., May 9; time, 61 min.)

A fair program comedy. Those who look for fast action may find this somewhat tiresome because it is mostly dialogue. But it has some good comedy situations, and some human interest, and for the most part should entertain audiences fairly well. The actions of Gene Lockhart, as a small town visitor to New York, are the most amusing. He provokes laughs by his attitude towards city people, and also by his stubbornness and his propensity to argue. The situations in which he quarrels with his wife also are amusing. The romantic interest is pleasant:—

Lockhart and Kathleen Lockhart, his wife, arrive in New York to attend the wedding of their old friend, Warren William, who had made good in the big city. When Lockhart learns that William's fiancée (June Travis) was a night club singer, that her brother was working in William's office, and that her father had received money from William on an invention, he assumes that they are all swindlers and tells William so. They quarrel and William strikes him. This infuriates Lockhart, and he tells William he never wants to see him again. He later insults Miss Travis' family and is the cause of her breaking her engagement to William. When Lockhart finds out that Miss Travis' family are not swindlers, but honest people through whom William had made a good deal of money, Lockhart apologizes. All the quarrels are patched up and every one is happy.

The plot was adapted from the play by George M. Cohan. Roy Chanslor wrote the screen play, William McGann directed it, and Bryan Foy supervised. In the cast are Barton MacLane, Dick Purcell, Granville Bates, and others.

Suitable for all. *Class A.*

NOTE: This was produced by Warners in 1928 under the title "The Home Towners."

### "Roaming Lady" with Fay Wray and Ralph Bellamy

(Columbia, April 12; time, 68 min.)

This program melodrama is just moderately entertaining. The first half lags considerably because most of the footage is devoted to dialogue; all the action is concentrated in the last fifteen minutes. The plot is so far-fetched that some of the situations seem ridiculous. It may, however, entertain audiences who can be amused by the antics of a love-struck girl.

In the development of the plot Fay Wray, daughter of millionaire Thurston Hall, annoys Ralph Bellamy by her insistence that he marry her; he refuses because of the difference in their social and financial positions. She is the cause of his losing his position as instructor in an aeroplane company. When Bellamy boards a freighter bound for China, there to supervise the assembling of aeroplanes to be used by an oil company to protect their interests against rebel troops, Miss Wray hides on board and surprises Bellamy by her presence. They are captured by the rebel troops, who plan to hold Miss Wray for ransom, and to kill Bellamy and Edward Gargan, his assistant, after they repair their planes. Bellamy outwits the rebels and escapes in the plane, first sending Miss Wray and Gargan off in an automobile. He protects them from the air by bombing the tanks and automobiles that follow them. He finally succumbs to Miss Wray's pleas and agrees to marry her.

Diana Bourbon and Bruce Manning wrote the story, Fred Niblo, Jr. and Earle Snell the screen play, Albert S. Rogell directed it, and Sid Rogell was the associate producer. In the cast are Roger Imhof, Paul Guilfoyle, Tetsu Komai, and others.

Suitable for all. *Class A.*



### "Show Boat" with Irene Dunne and Allan Jones

(Universal, May 17; time, 113 min.)

Excellent! Universal produced this once before, in 1929, but this version is far superior, from every standpoint. A few changes in plot construction have been made, adding to the value of the story, which is pleasant and at times deeply moving. Several situations bring tears to the eyes. But more than anything else, it is the lovely Jerome Kern melodies that will delight audiences; they never seem to grow old. These are sung by Irene Dunne, Allan Jones, Helen Morgan, and Paul Robeson. Robeson's singing of "Old Man River" and "Ah Still Suits Me" is something that listeners will not forget. And, added to all this, Universal has given the picture an extremely lavish production, bringing back with realism the charming atmosphere of the old days. One of the most touching scenes is that in which Miss Dunne, deserted by her good but incompetent husband, and forced to earn a living for herself and her child, sings at a fashionable hotel. At first the audience jeers at her; but, led on by Charles Winninger, her father, their jeers turn to cheers, insuring Miss Dunne's future. The actions of several characters are commendable; as, for instance, Miss Morgan's sacrificing her position as a singer so that Miss Dunne might have a chance:—

Winninger, owner of a show boat, insists, much to the disgust of Helen Westley, his wife, that Miss Dunne, his daughter, take the place of Miss Morgan, his leading lady, who had been forced out of town by the authorities when they discovered she had negro blood. Jones, a river gambler, handsome and charming, is engaged by Winninger as the leading man. Miss Dunne and Jones soon fall in love with each other and marry. They are happy when their daughter is born. Jones, who had won a large sum of money by gambling, takes his wife and child to Chicago, where his gambling luck keeps them in luxury for a while. When his luck changes and he becomes poverty-stricken, he leaves Miss Dunne, explaining in a note that he would always love her. Miss Dunne is given a test at a hotel where Miss Morgan was the chief singer. Instead of making her presence known to Miss Dunne, Miss Morgan sends down word that she was quitting, her purpose being to give Miss Dunne her chance. Miss Dunne makes rapid strides and is soon a favorite. After a few years she retires, turning her place on the stage over to her grown daughter. Jones, who was stage-door watchman at the theatre where his daughter was acting, meets Miss Dunne on the opening night. They are reconciled, and happy at their daughter's triumph.

Oscar Hammerstein II wrote the stage play and screen play. James Whale directed it, and Carl Laemmle, Jr. produced it. In the cast are Queenie Smith, Sammy White, Donald Cook, Hattie McDaniel, Sunnie O'Dea, and others.

Suitable for all. *Class A.*

### "Let's Sing Again" with Bobby Breen, George Houston and Henry Armetta

(Principal Pictures; time, 67½ min.)

Very good! The popularity of eight year old Bobby Breen, known throughout the country by his radio work, should insure good box-office returns. And audiences will find much to delight them, for Bobby is an ingratiating child, with a beautiful voice. The story has deep human appeal; several of the situations stir the emotions. Henry Armetta, as the old tenor with the cracked voice, portrays a delightful character,—one for whom the spectator has deep sympathy and respect. His devotion to Bobby and the boy's love for him are the reasons for the story's human appeal. There is a fair degree of suspense in the second half when Grant Withers, a cheap vaudeville performer, tries to take Bobby from Armetta. The closing scenes are touching; there Bobby becomes reunited with his father:—

Bobby runs away from the orphanage to join a travelling show. He attaches himself to Armetta, who wants to send him back. But when Armetta, who at one time had been a famous operatic tenor, hears Bobby's voice, he decides to keep him and train him. He learns to love the boy as if he were his own child. Withers and Inez Courtney, his partner, try to pull a "fast" trick by adopting Bobby; they felt that they could make money with a boy possessing such a voice. Armetta runs away with Bobby and goes to the city; he becomes quite ill. Through Bobby's efforts, Vivienne Osborne, a famous operatic singer who had been Armetta's protegee, comes to the rescue and takes Armetta and the boy to her home. Houston, a concert singer, who, for eight years, had made many efforts to find his runaway wife and their child, sings at a party given by Miss Osborne. Bobby

recognizes the song as one his mother had taught him and he, too, sings it. This serves as a means of recognition. Thus father and child are reunited, much to everyone's joy.

The original story and screen play are by Don Swift and Dan Jarrett. Kurt Neumann directed it and Sol Lesser produced it. In the cast are Richard Carle, Lucien Littlefield, Ann Doran, Clay Clement, and others.

Suitable for all. *Class A.*

### "The Golden Arrow" with George Brent and Bette Davis

(First National, May 23; time, 68 min.)

Just a fair comedy. The story idea is amusing, but it has been developed in a weak manner and fails to carry a punch. Bette Davis is miscast in a comedy role; she will undoubtedly disappoint her followers, who are accustomed to seeing her in dramatic parts. There is more dialogue than action, making the picture slow-paced. The story hasn't much human appeal. The manner in which the romance is developed is ordinary:—

Miss Davis, presumably heiress to a fortune, is hounded, much to her disgust, by foreign fortune-seekers. Carol Hughes, the second richest girl in the United States, is envious of Miss Davis' social standing. Brent, a newspaper reporter, is sent to interview Miss Davis; they become good friends. She pleads with him to marry her to protect her from the parasites; she promises him complete freedom and a divorce as soon as she finds a man suitable for her. He agrees to this. She takes him to New York to meet her guardians, directors of the million-dollar concern she "owns." In a private conference, they bring to her attention the fact that she was a nobody,—a former cashier in a restaurant, who had promised to pose as the firm's heiress as a publicity stunt, with the understanding that she should marry a nobleman. She points out to them that Americans would be more sympathetic towards an American husband. The directors finally agree with her and decide to spend large sums of money advertising Brent. He resents this, believing Miss Davis to be responsible for it. They quarrel and he pays attention to Miss Hughes, much to Miss Davis' disgust, for she had fallen in love with him. Eventually Miss Hughes, thinking that she would win Brent away from her, uncovers the hoax Miss Davis had been playing on every one. But Brent is overjoyed, for he loved Miss Davis and now that she was his equal he could declare his love. His declaration makes Miss Davis very happy.

Michael Arlen wrote the story, Charles Kenyon the screen play, Alfred E. Green directed it, and Sam Bischoff supervised. In the cast are Ivan Lebedoff, Catherine Doucet, Dick Foran, Eugene Pallette, and others.

Suitable for all. *Class A.*

### "The Harvester" with Alice Brady, Russell Hardie and Ann Rutherford

(Republic, May 5; time, 75 min.)

A mildly entertaining program picture. In adapting it from the novel, the producers made many alterations. As it now stands, the story is trite and, despite the efforts of a competent cast, fails to hold one's interest. It is of the old-fashioned, sentimental variety, with a country background; it may appeal to audiences in small towns. A great part of it may seem stupid to people of today; as for instance, Russell Hardie's being practically pushed into an engagement with Joyce Compton, to whom he had never proposed.

In the development of the plot, Ann Rutherford is sadly disappointed when Miss Brady successfully accomplishes her schemes to have Hardie become engaged to Miss Compton, her daughter. She is saddened when Hardie tells her he plans to give up his farm to go into business with Frank Craven, Miss Compton's father. A week before the marriage Hardie realizes that it is Miss Rutherford whom he really loves; he tries to break his engagement to Miss Compton. But Miss Brady refuses to permit this and warns him that he must go through with his promises. She tries to get Miss Rutherford and Cora Sue Collins, her small sister, out of town. But her plans are thwarted when Hardie offers to adopt the child. Miss Compton is incensed at this and gives her engagement ring back to Hardie. He is overjoyed for this leaves the way clear for him to marry Miss Rutherford.

Gertrude Orr and Homer Croy wrote the screen play. Joseph Santlev directed it and Nat Levine produced it. In the cast are Emma Dunn, Eddie Nugent, Roy Atwell, Spencer Charters, and others. Taken from the novel by Gene Stratton-Porter.

From the moral point of view, it is suitable for the entire family. *Suitability, Class A.*



The next paragraph of the order required the respondents to cease acquiring or threatening to acquire theatres in order to intimidate exhibitors into booking Famous Players' films.<sup>29</sup>

Since the respondents refused to obey the order, the Commission filed a petition in the United States Circuit Court of Appeals at New York to enforce compliance. Because the great expense of printing the entire record would, under the rule of the court, have fallen upon the petitioner, the Commission agreed to restrict the issue to block-booking alone, eliminating the issue of theatre acquisition by threat. By that agreement the record was reduced to approximately 2,000 pages; but it was almost completely deprived of vitality.

In 1932 the Circuit Court of Appeals denied the petition to enforce the order.<sup>30</sup> In the opinion, the court confined its attention to the question of the legality of block-booking. It found that Paramount and the other major distributors were competitors in the sale of their respective product. The statistics indicated that only a small percentage of its customers purchased in blocks. Holding that there was no monopoly or danger of monopoly by Paramount, the court said that it had a right to choose its own sales methods, and that its practice was not illegal. The court also declared:

The Commission did not find that the method of negotiation for the leasing of the films in question was carried on by the respondent as the result of a conspiracy or agreement with other producers, and, in the absence of such finding, they had an undoubted right to sell in blocks or to adhere to a policy of terms of sale, price of sale, and persons to whom they sold. Of course, there are some exceptions to a sales policy, which we think are not applicable here. . . . The mere fact that a given method of competition makes it difficult for competitors to do business successfully is not of itself sufficient to brand the method of competition as unlawful and unfair. . . . From the tables referred to above it is apparent that the respondent did not have a monopoly in the film industry.

In the instant case, there is no finding that the respondent combined with other large producers for the purpose of hindering those outside the large combination, and the evidence would not warrant such a finding. In the absence of combination or agreement, the fact that the method of negotiation as practiced by the respondent tends to exclude other independent producers is of itself insufficient to establish any probable tendency toward the creation of the evils prohibited by the Sherman Anti-Trust Act.

From the opinion the inference is obvious that the practice of block-booking is illegal if it results in monopoly or suppression of competition, or if it is itself the result of an agreement between competitors. That such is the view of the distributors themselves is clearly shown by the decree of the United States District Court at Chicago,<sup>31</sup> (to which they consented),<sup>32</sup> prohibiting block-booking by combination or conspiracy. The decree restrained the defendant distributors from adopting or practising a policy—

Whereby motion pictures distributed by defendant distributors are leased to unaffiliated exhibitors in said Chicago Exchange Territory only in groups containing a fixed minimum number of such pictures for the purpose or with the effect of restraining competing unaffiliated exhibitors in said territory from leasing such individual motion pictures as they may require and of compelling said unaffiliated exhibitors to contract for the exhibition of more motion pictures distributed by defendant distributors than are needed for the legitimate conduct of their respective businesses.

Whereby defendant distributors leasing feature pictures, news reels and short subjects make it a condition of sale to unaffiliated exhibitors in said Chicago Exchange Territory, that the latter purchase the news reels and/or short subjects, as a condition precedent to obtaining the feature pictures and do not make the same condition of sale to defendant exhibitors, for the purpose or with the intent of restraining competing unaffiliated exhibitors in said territory from leasing such individual motion pictures as they may require and of compelling said competing unaffiliated exhibitors to contract for the exhibition of more motion pictures distributed by defendant distributors than are needed for the legitimate conduct of their respective businesses.

The practice has been attacked also in Congress. Beginning in February, 1928, there were extensive hearings before the Committee on Interstate Commerce of the United States Senate on a bill introduced by Senator Brookhart. Illuminating evidence was given in regard to block-booking

as well as to oppressive methods employed in the selling of pictures and in the acquisition of theatres. Congress, however, took no remedial action. (Incidentally, a very touching tale of monopoly of product was told by a Maine exhibitor who is now a local partner of Publix.<sup>33</sup>)

Before the House there is now pending the Pettengill Bill, and before the Senate the Neely Bill (the same as the Pettengill Bill), each designed to prohibit block-booking. Acrimonious hearings on the former have already been held.

The full story, however, has never been told: Block-booking is merely a surface excrescence of a malignant growth that cannot be cured by the application of an external salve—by giving an exhibitor a theoretical right to reject a few films of a full line, or to receive indefinite information of the themes of prospective photoplays. The evil lies deeper; and, as will be hereinafter explained, it can be eradicated only by a major surgical operation.

<sup>29</sup>The text of the paragraph is set out hereinafter under the caption "(6) Theatre Acquisition."

<sup>30</sup>*Federal Trade Commission v. Paramount Famous Lasky Corporation*, 51 F. (2d) 152.

<sup>31</sup>*United States v. Balaban & Katz Corporation, et al* (D.C. N.D. Ill. E.D.) No. 8854, Equity, April 2, 1932.

<sup>32</sup>A consent decree indicates the interpretation placed upon the law by the parties. *United States v. Swift & Co.*, (D.C.) 10 F.A.J., 364, 365. See also, *Sullivan v. Associated Bill Posters*, 272 E. 323, 328.

<sup>33</sup>Hearing before the Committee on Interstate Commerce, U. S. Senate, Seventieth Congress, First Session on S. 1667; Statement of Joseph Dondis, pages 262 et seq.

## THE SETTLEMENT OF THE ST. LOUIS CASE

The equity injunction which the Federal Government had brought in the Southern District for New York, being the continuation of a similar injunction it had brought in the St. Louis district court and then had obtained a dismissal without prejudice, has been withdrawn, there having been effected a settlement out of court, Warners Bros. and Paramount agreeing to grant Fanchon & Marco a ten-year franchise, and Paramount not to refuse to sell pictures to this firm except on a matter of price, the differences, if any should ever arise, to be submitted to arbitration.

By this settlement, Fanchon & Marco, which was given full backing by the Federal government, wins an unprecedented victory.

The stand of the government and of its representatives in this case has been a bright spot—bright enough to inspire in any citizen confidence in the democratic form of Government, for it has proved that wealth and influence do not always win out. Mr. Russell Hardy, Special Assistant U. S. Attorney General, and his able assistant, Walter Rice, deserve great credit for the efficient way with which they have handled this suit. No less credit belongs to U. S. Attorney General Cummings, for giving them full backing.

It may also be said that the defendant distributors, too, deserve credit for having shown common sense in settling the suit out of court.

Jack Partington, President of Fanchon & Marco, Harry Arthur, General Manager, and the Wolfe Bros., Franchon and Marco, deserve the thanks of every independent theatre owner for having shown them what fearlessness and willingness to undergo sacrifices mean. They fought against great odds, risking a great deal. They are now having the satisfaction that comes from a well-earned victory.

## THE WILL ROGERS MEMORIAL HOSPITAL FUND

During the week of May 22 to 28, the NVA Sanatorium will be dedicated to the memory of Will Rogers and thereafter the sanatorium will be devoted to the welfare of the ill and the needy of the profession, both screen and stage, which Mr. Rogers served with so much distinction.

During that week, many theatres are going to take up collections in the audiences. The money thus collected will be sent to Major L. E. Thompson, of RKO, who is chairman of the Will Rogers Memorial Hospital Campaign. Trailers, containing an appeal from Lowell Thomas, Shirley Temple, Irvin Cobb, May Robson and Bing Crosby will be sent to these theatres.

There are some theatres that have no facilities for making collections. These may enter the celebration by paying a small fee, as follows: Theatres with 500 seats or fewer, \$10; theatres seating 500 to 1000, \$15; theatres seating 1000 to 2000, \$20; larger theatres, \$25. The managers of such theatres, by paying the fee, will have the right to display a certificate reading as follows:

"This theatre is participating in the Will Rogers Memorial Hospital Fund."



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### Anti-Trust Litigation in the Motion Picture Industry—No. 5

By George S. Ryan

#### (6) THEATRE ACQUISITION

In the vanguard of the practices that have destroyed freedom of competition in the motion picture industry has been the acquisition of theatres by producers. This policy has gone hand in hand with block-booking and blind-buying, but its full effect cannot be realized without full knowledge of its influence upon independent production and exhibition by monopoly of sale and purchase of product.

It is familiar history that in 1915, when the multiple reel feature became popular, and when, as a result, a petty business began to stride into its proper position as a great industry, practically all theatre owners were independent. Fox, Famous Players, and Loew—each owned a few theatres, designated as "show windows." But, after the combination of Famous Players with the Lasky Company, the new organization began to reach out for theatres with an insatiable appetite. Beginning in 1919, and continuing through the years until 1929, in which year there was a scramble for theatres by Paramount, Warner and Fox, the number of houses owned by producers rapidly increased. The race was halted only by the depression; and now, with the passing of that economic debacle, the malady has broken out afresh.

Strangely enough, to one unfamiliar with the mechanics of the industry, the theatres acquired by the several producers have generally been in different sections of the country: Paramount in New England, Illinois and the South, for example; Warner in New Jersey, Pennsylvania and other Middle Atlantic States; and Fox on the West Coast and in the Rocky Mountains. Even if the various territories were not allotted by agreement, it is quite evident that each major producer respected the proprietary rights of a prior major occupant.

Obviously the purpose of theatre acquisition was anticipated profit. Money was to be made legitimately in the field of exhibition. Was there any other motive? Here is some of the testimony of a former Chairman of the Finance Committee of Paramount:<sup>34</sup>

Q. Now, did Mr. Zukor say to you during the course of the conversations in regard to the Black Theatres, anything about what the effect of the acquisition of these theatres and other theatres would be upon the product of the other producers?

A. Well, if you can get enough theatres in any territory the other producers can't distribute. This was discussed often by everybody. . . .

A. He said to me and took up the records to show to me that in any particular district—particular sales district for example—if the control of the first run theatres, the majority of the first run theatres, are in the hands of one person, that the balance of the territory doesn't bring in enough money to enable the other fellow to keep the exchange open hardly.

The acquisition of theatres also gave a producer an immense advantage in marketing his films. Manifestly his own theatres would play his product, and then, if there were any playing time left, he might book the films of other producers owning theatres, with whom he had a reciprocal working arrangement.

The advantage is not merely theoretical. In the suit brought by the United States against Ballaban & Katz Corporation and the major distributors, to which reference has already been made,<sup>35a</sup> the final decree enjoined the defendants from collusively or collectively—

(e) Excluding distributors of motion picture films other than the defendant distributors from contracting, in the course of interstate trade and commerce to license first run exhibitions of the feature motion pictures distributed by them in first class, first run motion picture theatres in the City of Chicago, Illinois, and in other cities and towns in the Chicago Exchange Territory.

Still another advantage grew out of the ownership of theatres by producers. The mere policy of theatre operation was in itself a threat to the existence of a competing exhibitor. When an affiliated distributor approached him with a demand that he purchase all its films at specified prices, he had to submit; he dared not defy the threat, express or covert, to the effect that, if he refused, the distributor would put in a competing theatre, and, by its control of its own product, and by its ability to secure the films of other producers, deprive him of essential product, eventually driving him out of business.

In this respect, the first offender was Paramount. It was such activities by this company in conjunction with Lynch in the South and with Black in New England that brought on the investigation by the Federal Trade Commission.

But Paramount has not been the only offender. Other companies employed the same tactics along this line.

Nor has the practice ceased entirely. It is not long since the trade journals related that, because Metro was unable to sell its films to certain exhibitors in Chicago, its affiliate, Loew, Inc., planned to acquire and operate theatres in competition with local exhibitors.

The Federal Trade Commission, after a lengthy hearing on its complaint against Paramount, entered an order that the respondent cease and desist—

3. From building, buying, leasing or otherwise acquiring, or threatening so to do, any theatre building or buildings or theatre or theatres, for the purpose and with the intent or with the effect of intimidating or coercing an exhibitor or exhibitors of motion picture films to lease or book and exhibit motion picture films produced or offered for lease or leased by respondent Famous Players-Lasky Corporation.<sup>35</sup>

This order, however, was never enforced, and when the petition was heard in the Circuit Court of Appeals it was, as already explained, confined to the narrow issue of block-booking.

The legality of this practice has not been challenged directly by the Government in any other proceeding. It has been in issue, however, in at least two civil actions by independent exhibitors. In one case, although ruling that no illegal act of the defendant had caused damage to the plaintiff, an auditor reported:

I find that, as part of the practice of the defendant's salesmen to endeavor to sell defendant's entire product to theatres in various localities, in some instances there has been the express or implied suggestion that if the exhibitor refused to take the product at the prices offered, the defendant would buy, build or cause to be opened, another and competing theatre in the locality, where defendant's pictures might be shown, but for the most part these instances have not directly concerned the plaintiffs and consequently in my opinion have no bearing upon these cases. If it be material, I find that in many instances exhibitors, other than the plaintiffs, have been induced to take the defendant's entire product, at license fees fixed

(Continued on last page)



### "It's Love Again" with Jessie Matthews and Robert Young

(Gaumont-British; rel. date not yet set; time, 81½ min.)

A few excellent tunes, Jessie Matthews' charm, and a lavish production make this an entertaining picture. Miss Matthews sings and dances well. But the story creaks with age. The comedy is decidedly British, and is at its best in the scenes where Miss Matthews, posing as a mysterious daredevil, who had shot tigers in India, meets a British colonel, who had been stationed in India, and is at a loss as to what to say to him. One is held in some suspense; one fears that she will be exposed. The romance between Miss Matthews and Robert Young is developed in a pleasant manner:—

Miss Matthews, an excellent singer and dancer, is unable to get an audition with the eccentric but important leading stage manager of London. When she reads in Robert Young's column about the exploits of a Mrs. Smythe-Smythe, who shot tigers in India, she decides to impersonate the lady, get a great deal of publicity, and then expose herself and go on the stage. Young, who had met and fallen in love with her, tells her that Mrs. Smythe-Smythe is a fictitious character and that if she, Miss Matthews, would be willing, he would carry on the hoax and make her famous. She soon gets tired of being forced to do eccentric things and is just about ready to give up when the producer engages her for his show. A rival newspaper columnist discovers the hoax and on the opening night threatens her with exposure unless she gives him exclusive rights to her publicity. Rather than consent to his demands, she walks out in the middle of the play, leaving a note of regret. When the audience leaves, she goes back on the stage, dressed in simple clothes, and starts singing and dancing. The producer hears her and is overjoyed. He re-engages her to appear under her own name. Miss Matthews and Young are happy.

Marion Dix and Lesser Samuels wrote the original screen play. Victor Saville directed it. In the cast are Sonnie Hale, Ernest Milton, Robb Wilton, Sara Allgood, Warren Jenkins, and others.

Suitable for all. *Class A.*

### "Champagne Charlie" with Paul Cavanagh and Helen Wood

(Twentieth Century-Fox, May 8; time, 58½ min.)

A mildly entertaining program melodrama. The story is told in flashback, and the spectator, knowing what the end will be, is not held in tense suspense. Nevertheless it manages to hold one's attention fairly well. Up until the end, Paul Cavanagh, by his characterization of a spineless ne'er-do-well, arouses one's resentment by his plans to marry Miss Wood for her money. His eventual offering of his life as a sacrifice arouses one's admiration. The comedy, provoked by Herbert Mundin, as Cavanagh's devoted valet, is fair.

In the development of the plot, Mundin, a bartender on an ocean liner, kills Noel Madison, one of the passengers. He admits to the Captain his guilt, but refuses to give a reason for it. Miss Wood, knowing that Mundin had done it to protect her, goes to the Captain and tells him how it happened. Before she had married Thomas Beck, she had met and fallen in love with Cavanagh, Mundin's employer. She later found out that Cavanagh, heavily in debt to Madison, had made an arrangement with him whereby he, Cavanagh, would marry Miss Wood, and then turn over part of her fortune to Madison. Cavanagh, a week before the marriage, found out that she was the daughter of the woman he had once loved; he realized then that he could not go through with his scheme, and purposely caused his death in an automobile accident. Madison was on the same boat and was attempting to blackmail Miss Wood. In an argument with him, Mundin had killed him in self defense. The Captain believes the story and arranges to mark the death as accidental.

Allen Rivkin wrote the original screen play. James Tinsley directed it, and Edward T. Lowe produced it. In the cast are Minna Gombell and others.

There is nothing immoral in the story, except for the blackmailing. It is, therefore, suitable for children. Suitability, *Class A.*

### "The Case Against Mrs. Ames" with Madeleine Carroll and George Brent

(Paramount, May 8; time, 85 min.)

Very good! It is a murder mystery melodrama combining thrills, human interest, and comedy. The courtroom scenes are interesting, because they are done intelligently. One feels deep sympathy for Madeleine Carroll, who is accused of murder unjustly. The situation in which her child, whose mind had been poisoned by his grandmother, turns from her, expressing his hatred for her for having killed his father, in pitious. And there are many touching moments in the courtroom scenes, where she battles to regain custody of the child. The excellence of this picture is owed in part to the intelligent performances given by Miss Carroll and George Brent. The romance is pleasant. Most of the comedy is provoked by the persistence of Edward Brophy to take pictures for his newspaper.

In the development of the plot, Brent, assistant district attorney in charge of the murder trial in which Miss Carroll is accused of having killed her husband, is disgusted when the jury brings in a verdict of not guilty. He accuses them of being lax in their duties, for which he is fined \$500; he accepts a jail term instead. When he learns that he had been thrown out of his job, he issues a statement to the newspapers confirming his belief in Miss Carroll's guilt and swearing to break open the case. Miss Carroll pays Brent's fine, takes him to her home, and offers him \$25,000 to solve the mystery of her husband's murder. He is amazed at her offer because he feels that any further investigation will definitely prove her guilt. Beulah Bondi, Miss Carroll's mother-in-law, who had always hated her, starts proceedings for the custody of Miss Carroll's child. She poisons the child's mind against his mother. Miss Carroll is desperate. Eventually everything turns out in her favor—Brent finds the real murderer, who is none other than Alan Mowbray, the family attorney; he had committed the murder when Miss Carroll's husband had discovered a shortage in his trust accounts. Miss Carroll wins back her child's love, and accepts Brent's apologies; she decides to marry him.

The plot was adapted from the novel by Arthur Somers Roche. Gene Towne and Graham Baker wrote the screen play, William A. Seiter directed it and Walter Wanger produced it. In the cast are Alan Baxter, Brenda Fowler, Esther Dale, Richard Carle, and others.

There is nothing immoral in the picture and therefore it is suitable for all. *Class A.*

### "The Dancing Pirate" with Frank Morgan, Steffi Duna and Charles Collins

(RKO, May 23; running time, 84 min.)

Fair. The color is exquisite—superior even to that used in "Becky Sharp." The group dance in the closing scenes, showing the men flourishing capes lined in red satin, are breathtaking in their beauty. But the story is extremely thin; it depends mostly on Frank Morgan's comedy. The most comical scenes are those in which Morgan, head of a village off the coast of California, and Luis Alberni, his assistant, prepare their antiquated cannons to fight off pirates, and succeed in frightening their own villagers. The dancing, particularly by Charles Collins, a newcomer to the screen, is good. The music is good, too. The romance is developed pleasantly. The action takes place in 1820:—

Collins, a Boston dancing instructor, is shanghaied and taken aboard a pirate ship. The ship touches the Southern California coast for a water supply, and Collins, determined to escape, sneaks off with the men sent to get the water. A shepherd, seeing the vessel, and noticing Collin's approach, warns the villagers that the pirates are about to attack. Collins is captured. Despite his pleas of innocence, he is sentenced to be hung. Miss Duna, Morgan's daughter, is attracted to Collins, and when she hears that he is a dancing master she insists that his execution be stayed. She falls in love with him. Victor Varconi and a contingent of soldiers arrive at the village, and prepare to take Collins away with them. Miss Duna flatters Varconi and leads him on, even promising to marry him if he will free Collins. On the day of the marriage, Varconi is exposed as a rebel, and he and his men are forced out of the village. Morgan gives his consent to the marriage of his daughter and Collins.

Emma Lindsay Squier wrote the story, and Ray Harris and Francis Faragoh, the screen play. Lloyd Corrigan directed it, and Merian C. Cooper produced it. In the cast are Jack LaRue, Alma Real, and others.

Suitable for all. *Class A.*



### "One Rainy Afternoon" with Francis Lederer, Ida Lupino and Hugh Herbert

(United Artists, May 13; time, 78 min.)

A "fluffy," romantic comedy, with a continental flavor; it should please mostly high class audiences. Despite a thin plot, it is gay, in spots charming, and at times amusing. The best scenes are those in a courtroom showing Lederer pleading for leniency in a charge brought against him for kissing, in a motion picture theatre, a girl he did not know. In these scenes, as well as in a few others, music is used effectively—without retarding the action. It is the type of picture that relaxes the spectator, for there are presented no problems. Hugh Herbert, as a nitwit theatre prompter, provokes laughter when he attempts to enter the courtroom. The romance is developed pleasantly:—

Lederer, an actor, is infatuated with Countess Liev de Maigret, a married woman. They are extremely cautious about their meetings, and spend most of their time in a motion picture theatre. Lederer goes to the theatre, expecting to sit next to the Countess, but is directed to the wrong seat, next to Miss Lupino, daughter of a millionaire newspaper publisher. Believing her to be the Countess he kisses her. She slaps his face. The lights go on and Lederer is surrounded by irate women, members of a purity league, who demand his arrest. Because the newspapers brand him a monster, Roland Young, the stage producer, discharges Lederer. He regrets this when women come to the box office clamoring for tickets to see Lederer. Lederer is tried on the kissing charge and is fined; Miss Lupino pays the fine, and they become friends. Soon they are very much in love with each other. Complications arise when Miss Lupino finds out about the Countess. Young re-engages Lederer at a large salary. Lederer is applauded at the opening night and he and Miss Lupino are reconciled through the efforts of Joseph Cawthorn, her father.

Pressburger and Rene Pujal wrote the story, Steph M. Avery, the screen play. Rowland V. Lee directed it. The Pickford-Lasky Company produced it. In the cast are Erik Rhodes, Donald Meek, Georgia Caine, and others.

The affair between Lederer and the married woman makes it hardly suitable for children. Good for adults. *Class B.*

### "Devil's Squadron" with Richard Dix and Karen Morley

(Columbia, May 1; time, 78½ min.)

Where aeroplane stories are still liked, "Devil's Squadron" should give ample satisfaction, for the stunt flying is exceedingly thrilling. The scenes showing pilots making the 9-G tests, that is, nose-diving the plane at a rapid speed from a distance of eighteen thousand feet, are exciting. But for the most part it is pretty sombre entertainment, because of the death of several characters. The scenes that show the crashings, particularly that of a young pilot who was to be married, are heartrending. The plot is pretty weak. One pleasant feature is the fact that there are no villainous characters. There are three different pleasant romances:—

Richard Dix, a test pilot, joins the aeroplane organization headed by Karen Morley's father. The firm was developing a machine which, if satisfactory, would be accepted by the United States Government. In the various tests Miss Morley's father and one pilot are killed, and another pilot injured. Her brother, also a pilot, loses his nerve and kills himself. Dix, in order to save Miss Morley, whom he loved, from disgrace, takes the body up, sets the plane on fire, and then bails out, so as to make it appear as if the boy had died in a crash. An investigation follows, and Dix's license is taken away because he had bailed out presumably leaving another man in a burning plane; he is ordered off the grounds. Lloyd Nolan, the company manager, although a novice at piloting, plans to take the ship up for test before the Army officials. Dix, knowing that Nolan would be killed, knocks him out and takes his place. He makes a spectacular test flight, proving the worth of the plane. The truth eventually comes out, and Dix and Miss Morley are united.

Dick Grace wrote the story; Howard J. Green, Bruce Manning and Lionel Houser the screen play; Erle C. Kenton directed it, and Robert North produced it. In the cast are Shirley Ross, Billy Burrud, Henry Mollison, Gene Morgan, and others.

Suitable for all. *Class A.*

### "The First Baby" with Johnny Downes and Shirley Deane

(Twentieth Century-Fox, May 22; time, 74 min.)

Good program entertainment for the family trade, with a particular appeal for women. The plot is neither exciting nor novel; nevertheless it holds the spectator's attention throughout, because the story is true to life—the trials and tribulations of the newly married young couple will be understood and appreciated by the masses, who will sympathize with them. Several of the situations provoke laughter; some stir the emotions:—

Downes and Shirley Deane, his young bride, try to live their own lives. Marjorie Gateson, Miss Deane's mother, compels them to live with her and makes Downes uncomfortable by her constant nagging and her attempts to rule him. When the first baby is born, and Miss Gateson continues in her overbearing manner, Johnny rebels. Assisted financially by Taylor Holmes, his hen-pecked father-in-law, Johnny sets up an apartment as a surprise for Shirley. Dixie Dunbar, Johnny's friend from the office, arranges a party but Johnny arrives alone, for Miss Gateson, by pretending to have a heart attack, prevents Miss Deane from leaving. She sneaks out later and goes to the apartment where she is joyfully greeted by Johnny. She finds Miss Dunbar there, drunk, and suspects the worse; she leaves Downes. The illness of their child brings them together again, with the understanding that there will be no more in-law interference.

Lamar Trotti wrote the story and screen play. Lewis Seiler directed it, and John Stone was the associate producer. In the cast are Jane Darwell, Gene Lockhart, Willard Robertson, and others.

Suitable for all. *Class A.*

### "And So They Were Married" with Mary Astor and Melvyn Douglas

(Columbia, May 10; running time, 73 min.)

A pretty good human-interest comedy. It is somewhat far-fetched and even silly at times, but it should prove amusing to the average spectator. Most of the comedy is provoked by the efforts of two youngsters, Edith Fellows and Jackie Moran, to keep their respective parents from marrying each other. The scenes in which they pick quarrels, hoping to prove to their parents that they hate each other, should provoke hearty laughs. Another source of comedy is provided by Margaret Armstrong and Charles Arnt, as two talkative social directors at a winter resort, whose exuberance bores the guests. Mary Astor and Melvyn Douglas act with realism; they awaken the spectator's sympathy. The closing scenes, where the children are shown bringing their parents together, are extremely amusing:—

Miss Astor, who hated men after her unhappy marriage with the man from whom she was divorced, and Edith, her daughter, who likewise hated men, arrive at a winter resort where Douglas and Jackie, his son, also haters of women, were stopping. After an unpleasant meeting Miss Astor and Douglas become friends and eventually fall in love; they plan to marry. But their children decide they don't want that to happen and arrange to disrupt the plans. Their schemes work and Miss Astor and Douglas part. They return to their homes, miserable. Edith and Jackie come to the conclusion that they did the wrong thing in separating their parents. So they decide to run away, hoping thereby to bring Miss Astor and Douglas together again. The scheme works. Miss Astor and Douglas marry, and everyone is happy.

Sarah Addington wrote the story, and Doris Anderson and A. Laurie Brazee, the screen play. Elliott Nugent directed it, and B. P. Schulberg produced it. In the cast are Donald Meek, George McKay, Romaine Callender, and others.

Suitable for all. *Class A.*

### AN OMISSION CORRECTED

In giving credits to the heads of Fanchon & Marco for the settlement of the Government's suit against some of the producers, I overlooked Sol. Rosenblatt, formerly NRA Code Administrator. According to information, Mr. Rosenblatt had a large share in the settlement of that suit.



by the defendant, because of the exhibitors' fear that, if they refused, the defendant would operate competing theatres in their localities.<sup>30</sup>

The other action was the *Quiltner Case*, tried in the Federal Court in New York City in the spring of 1933, against the Motion Picture Producers and Distributors of America, Inc., Paramount Publix Corporation and several of its principal officers.<sup>31</sup> In the course of the trial, however, the issue was narrowed to the charge of conspiracy among the defendants; and, at the close of the plaintiff's case, without discussing the question of attempted monopolization by Paramount alone, by threat, by acquisition of theatres, and by engrossment of product, the judge ruled that there was evidence sufficient to warrant the jury in finding a conspiracy in violation of the anti-trust laws, but not to sustain a finding that the plaintiff had been damaged by it.

This question, therefore, cannot be considered to have been definitely determined. More important issues, perhaps, are whether the acquisition of theatres has violated the Clayton Act; and also whether the producers, by their acquisition of theatres, have monopolized or have conspired to monopolize the product of all distributors in localities where they have theatres. After all, the profitable operation of a theatre depends on the supply of films. If this is shut off, no exhibitor can survive.

The Clayton Act, section 7, prohibits the acquisition of stock of competing corporations where the effect may be substantially to lessen competition or to restrain trade or tend to create a monopoly in any line of interstate commerce. It was directly involved in the actions against Paramount Publix Corporations, in which the auditor's report was filed, from which report quotations have been already made. In making substantial findings for the plaintiffs in a number of cases the auditor declared:

The plaintiffs contend that the defendant's acquisition of stock control of corporations operating theatres was a violation of Section 7 of the Clayton Law.

... The Auditor is of opinion that the statute is designed to protect competition in buying as well as in selling and that the defendant's acquisition of competing theatres tended substantially to lessen such competition by lessening the number of parties acting independently who were competing for the privilege of buying a prior right to exhibit desirable pictures, and that it restrained commerce in such buying and tended to create a monopoly of prior run product in certain localities. He is further of opinion that buying the privilege of exhibiting pictures is interstate commerce, even though the exhibition thereof has not that quality...

The defendant has acquired directly or indirectly stock or other share capital of other corporations where the effect thereof may be substantially to lessen competition between the corporation whose stock is so acquired and the corporation making the acquisition or to restrain interstate commerce or tend to create a monopoly. The only branch of the industry in which such stock acquisitions are here found to be material is that of exhibition. The competition herein affected is that in buying the prior privilege of exhibiting motion picture films. The interstate commerce restrained is that contemplated by the contracting with distributors for the future interstate transportation and delivery of such films. The monopoly which may thus tend to be created is in the acquisition of the prior privilege of local exhibition of pictures to be transported in interstate commerce...

In November, 1929, the United States brought a suit in equity to dissolve a combination in restraint of trade resulting from the acquisition by Fox Theatres Corporation of a majority of the shares of stock of Loew's, Inc., which controlled Metro-Goldwyn-Mayer Corporation and its distributing affiliate. On April 15, 1931, a decree was entered by consent ordering the Fox Corporation to divest itself of the stock illegally acquired.<sup>32</sup>

A similar suit was brought by the United States in the same court against Warner Brothers Pictures, Inc. and Stanley Company of America to require them to divest themselves of the capital stock of First National Pictures, Inc. The suit never came to trial. After a hearing on a motion to strike out parts of the defendants' answer, which set up that Warner and First National were not in competition at the time of the acquisition,<sup>33</sup> the proceedings were quiescent until the bill of complaint was dismissed by consent. The reason announced was that the Code made any further proceedings by the Government unnecessary.

<sup>30</sup> Deposition of Harris D. H. Connick, p. 31, 32, 33, in *F. M. Loew's, Inc. v. Paramount Publix Corporation*, No. 4892 Law (D.C. Mass.).

<sup>31</sup> *United States v. Ballaban & Katz Corporation, et al.*, Equity, No. 8854.

<sup>32</sup> *Federal Trade Commission v. Paramount Famous Lasky Corporation*; order July 9, 1927.

<sup>33</sup> *E. M. Loew's, Inc. v. Paramount Publix Corp.*, Mass. Law, No. 4892. Report of Elias Field, Auditor.

<sup>34</sup> After permission to appeal in *forma pauperis* had been granted by the Circuit Court of Appeals, 70 F. (2d) 331, this action was settled for a sum reported to be \$10,000. It is discussed hereinafter with quotations from the remarks of the judge, under the topic "Conspiracy to Boycott or Destroy Competitors."

<sup>35</sup> *United States v. Fox Theatres Corporation, et al.* (D.C. S.D. N.Y.). See "Upton Sinclair Presents William Fox," pp. 85-92, 141, 149.

<sup>36</sup> *United States v. Warner Brothers Pictures, Inc.*, (D.C.S.D. N.Y. 1930) 11 F.A.D. 487.

## LIMITING THE NUMBER OF A TOWN'S THEATRES

One of the tactics some major distributors have resorted to in order to compel an independent exhibitor to pay for his film more money than was profitable for him, has been to threaten him with a competitive theatre.

In many cases they either built, or induced some other exhibitor to build, such a theatre. And with an additional theatre in operation, the old exhibitor's profits either vanished or were reduced to almost nothing. In many cases the old exhibitor was placed in a position where he had to sell his theatre to his competitor; in some cases he had to shut it down, a total loss.

From time to time exhibitors write me and ask me to tell them whether there are any towns that have an ordinance limiting the number of theatres.

I made inquiries and have found out that there are several towns that have such an ordinance passed.

I obtained copies, which I turned over to a competent lawyer for an opinion, but I was told by him that none of these ordinances will, in his opinion, have a chance to stand up in case they were attacked on the ground of unconstitutionality, because every one of them limits the number of theatres in accordance with a given number of inhabitants, and not because of fire hazard. The only value they possess is, he feels, that of nuisance.

In a desire to be of service to the exhibitors who have appealed to me for information, as well as to every independent exhibitor in the United States, I have had this attorney draft an ordinance that will have a better chance in the courts. Here it is:

### ORDINANCE REGULATING MOTION-PICTURE THEATRES

Section 1. All motion picture theatres must be duly licensed.

Section 2. No person, corporation, firm or association shall maintain or operate a motion-picture theatre, except in a building or other enclosure for which a motion-picture license shall have been issued.

Section 3. No license for a motion-picture theatre shall be issued for any building or other enclosure:

(a) Which is occupied as a tenement house, hotel, lodging house or residence.

(b) Where paints, varnishes, lacquers or other highly inflammable materials are manufactured, stored or kept for sale.

(c) Where rosin, turpentine, hemp, cotton or any other explosives are stored or kept for sale.

(d) Which is situated within.....feet of the nearest wall of a building occupied as a school, hospital, garage, theatre, motion-picture theatre or other place of public amusement or assembly, or which is within .....feet of any gasoline supply or service station; provided, however, that renewals of licenses may be granted where the motion-picture theatre in question was in operation prior to the opening of such school, hospital, garage, theatre, motion-picture theatre or other place of public amusement or assembly, or of such gasoline supply or service station, or has been in continuous operation under a license issued therefor prior to January 1st, 193...

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The value of such an ordinance is great particularly in small towns where a theatre can hardly be successful if it is even two blocks out of the business centre.



## HARRISON'S REPORTS

Vol. XVIII

NEW YORK, N. Y., SATURDAY, MAY 16, 1936

No. 20

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Under Two Flags—20th Century-Fox (110 min.)....	74
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Witness Chair, The—RKO (63½ min.).....	66

## RELEASE SCHEDULE FOR FEATURES

## Chesterfield Features

(1540 Broadway, New York, N. Y.)

The Little Red School House—Coghlin-Moore.....	Feb. 15
August Week-End—Hobson-Huntley .....	Apr. 10
Below the Deadline—Parker-Hopton .....	May 20

## Columbia Features

(729 Seventh Ave., New York, N. Y.)

## 1934-35 Season

5006 A Feather in Her Hat—Lord-Barrie.....	Oct. 24
5002 Deeds Goes to Town (Opera Hat)—Cooper..	Apr. 12
(5037 "Twenty Five Dollars An Hour" has been withdrawn)	

(End of season)

## 1935-36 Season

6016 Hell Ship Morgan—Bancroft-Sothorn.....	Feb. 8
6005 The Music Goes 'Round—Richman-Hudson..	Feb. 27
6205 The Cattle Thief—Maynard (57 min.) .....	Feb. 28
6027 Don't Gamble With Love—Cabot-Sothorn...	Feb. 29
6206 Heroes of the Range—Maynard (51 min.) ..	Mar. 28
6025 Pride of the Marines—Bickford-Rice .....	Apr. 2
6037 Panic on the Air—Rice-Ayres .....	Apr. 10
6028 Roaming Lady—Wray-Bellamy .....	Apr. 12
6001 Deeds Goes to Town—Gary Cooper .....	Apr. 12
6008 Devil's Squadron—Richard Dix (reset) .....	May 1
6207 Avenging Waters—Maynard (56 min.) .....	May 8
6012 And So They Were Married—Astor-Douglas..	May 10
6208 The Fugitive Sheriff—Maynard .....	May 22
("Deeds Goes To Town" is also a 1934-35 picture for those who are entitled to it)	

## First National Features

(321 W. 44th St., New York, N. Y.)

951 The Singing Kid—Al Jolson .....	Apr. 11
972 Brides Are Like That—Alexander-Louise.....	Apr. 18
973 The Law In Her Hands—Lindsay-Hull (re.)..	May 16
959 The Golden Arrow—Brent-Davis (reset) ....	May 23
955 Hearts Divided—Davies-Powell (reset) .....	June 6
974 Murder by an Aristocrat—Talbot-Churchill-	
Dodd .....	June 13
960 The White Angel—Francis-Hunter-Woods...	June 20

## Gaumont-British Features

(1600 Broadway, New York, N. Y.)

First a Girl—Jessie Matthews .....	Dec. 25
King of the Damned—Veidt-Vinson .....	Jan. 20
Rhodes—Walter Houston .....	Feb. 20
Secret Agent—P. Lorre .....	Rel. Date Postponed
It's Love Again—J. Matthews .....	Rel. Date Postponed

## Invincible Features

(1540 Broadway, New York, N. Y.)

Tango—Marion Nixon-Chick Chandler .....	Jan. 1
Bridge of Sighs—Stevens-Tree-LaRue .....	Feb. 5
Brilliant Marriage—Marsh-Walker .....	Mar. 25
Three of a Kind—Chandler-Knapp .....	May 5

## Mascot Features

(1776 Broadway, New York, N. Y.)

Confidential—Knapp-Cook .....	Oct. 15
Doughnuts and Society (Along Came a Woman)—	
Fazenda-Eburne (reset) .....	Mar. 20
(End of features)	

## Metro-Goldwyn-Mayer Features

(1540 Broadway, New York, N. Y.)

## 1934-35 Season

521 The Bohemian Girl—Laurel-Hardy .....	Feb. 14
518 Suzy—Jean Harlow-Franchot Tone .....	June 26

## 1935-36 Season

622 Garden Murder Case—Lowe-Bruce .....	Feb. 21
606 Wife Versus Secretary—Gable-Loy-Harlow ..	Feb. 28
623 Three Godfathers—Morris-Stone .....	Mar. 6
No release set for .....	
645 Petticoat Fever—Montgomery-Loy-Owen ..	Mar. 20
624 Moonlight Murder—Morris-Evans (reset) ..	Mar. 27
651 The Unguarded Hour—Young-Tone (reset) ..	Apr. 3
607 Small Town Girl—Gaynor-Taylor (reset) ..	Apr. 10
608 The Robin Hood of Eldorado—Baxter (re.) ..	Apr. 17
609 Absolute Quiet—Atwill-Hervey .....	Apr. 24
No release set for .....	
652 Speed—Stewart-Barrie-Merkel .....	May 8
653 Three Wise Guys—Young-Furness .....	May 15
646 Suicide Club—Montgomery-Russell-Morgan..	May 22
610 Fury—S. Tracy-Sidney-Abel .....	May 29
636 San Francisco—Gable-MacDonald .....	June 5
631 The Witch of Timbuctu—L. Barrymore .....	June 12
626 We Went to College—F. Morgan-Merkel.....	June 19



## Paramount Features

(1501 Broadway, New York, N. Y.)

3516	Rose of the Rancho—Boles-Swarthout	Jan. 10
3531	Her Master's Voice—Horton-Crews	Jan. 17
3532	Soak the Rich—Connolly-Taylor-Howard	Jan. 17
3533	Anything Goes—Crosby-Merman-Ruggles	Jan. 24
3534	Timothy's Quest—Whitney-Keene-Moore	Jan. 31
3535	The Milky Way—Lloyd-Menjou-Teasdale	Feb. 7
3536	Drift Fence—Crabbe (56 min.)	Feb. 14
3537	Woman Trap—Michael-Murphy	Feb. 14
3538	Klondike Annie—West-McLaglen	Feb. 21
3539	Desire—Dietrich-Cooper	Feb. 28
3540	The Preview Murder Mystery—Denny-Drake	Feb. 28
3541	Call of the Prairie—Boyd-Ellison (66½ m.)	Mar. 6
3542	Give Us This Night—Swarthout-Kiepusa	Mar. 6
3543	Trail of the Lonesome Pine—Sidney	Mar. 13
3544	F-Man—Haley-Frawley-Bradley	Mar. 13
3545	Too Many Parents—Hayden-Lee	Mar. 20
3546	Desert Gold—Crabbe-Hunt (58½ min.)	Mar. 27
3547	13 Hours by Air—MacMurray-J. Bennett	Mar. 27
3548	Big Brown Eyes—J. Bennett-C. Grant	Apr. 3
3549	The Moon's Our Home—Sullivan-Fonda	Apr. 10
3550	Sky Parade—Gargan-DeMille-Taylor	Apr. 17
3551	Till We Meet Again—Marshall-Michael	Apr. 17
3553	Three on the Trail—Boyd-Ellison	Apr. 24
	No release set for	May 1
3554	Florida Special—Oakie-Eilers (re.)	May 8
3555	Case Against Mrs. Ames—Carroll-Brent	May 8
3556	Forgotten Faces—Marshall-Michael	May 15
	Fatal Lady—Ellis-Pidgeon (reset)	May 15
	The Princess Comes Across—C. Lombard	May 22
3558	Border Flight—Farmer-Howard-Karns	May 29
	Palm Springs—Langford-Niven	June 5
	Early to Bed—Ruggles-Boland-Patrick	June 5
	Girl of the Ozarks—Weidler-Erikson	June 12

## Republic Features

(1270 Sixth Ave., New York, N. Y.)

3530	Spanish Cape Mystery—Cook-Twelvevrees	Oct. 17
3546	Crime of Dr. Crespi—Von Stroheim	Oct. 21
3547	Racing Luck—Bill Boyd (60 min.)	Oct. 28
3562	Lawless Range—John Wayne (59 min.)	Nov. 4
3566	Tumbling Tumbleweeds—Gene Autry	Nov. 9
3532	\$1000 a Minute—Pryor-Hyams	Nov. 15
3550	Burning Gold—Bill Boyd (60 min.)	Dec. 1
3524	Forced Landing—Ralston-Stevens	Dec. 2
3568	The Sagebrush Troubador—Autry (54 m.)	Dec. 2
3518	Frisco Waterfront—Twelvevrees-Lyon	Dec. 5
3537	Hitch Hike Lady—Skipworth-Clarke	Dec. 28
3569	The Singing Vagabond—Autry (52 min.)	Jan. 5
3560	The Oregon Trail—John Wayne (59 min.)	Jan. 18
3526	The Leavenworth Case—Foster-Cook	Jan. 20
3525	Dancing Feet—Lyon-Marsh-Nugent	Jan. 31
3531	Return of Jimmy Valentine—Pryor	Feb. 14
3557	Lawless Nineties (G-Men of the Nineties)— John Wayne	Feb. 15
3501	Leathernecks Have Landed—Ayres-Jewell	Feb. 22
3570	Red River Valley—Autry (58 min.)	Mar. 2
3522	Laughing Irish Eyes—Regan-Knapp	Mar. 15
3559	King of the Pecos—Wayne (56 m.) (re.)	Mar. 16
3505	House of a Thousand Candles—Holmes (re.)	Apr. 6
3548	Federal Agent—William Boyd (reset)	Apr. 10
3571	Gallop! Minstrel—Gene Autry	Apr. 10
3504	Girl From Mandalay—Lineker-Nagel (re.)	Apr. 10
3571	Coming 'Round the Mountain—Autry	Apr. 13
3506	The Harvester—Brady-Rutherford (re.)	May 5
3569	Singing Cowboy—Gene Autry	May 11
3516	Navy Born—Wm. Gargan-Claire Dodd	May 25

## RKO Features

(1270 Sixth Ave., New York, N. Y.)

617	Chatterbox—Ann Shirley	Jan. 19
622	The Lady Consents—Harding-Marshall	Feb. 7
619	Muss 'Em Up—Foster-Callahan-Mowbray	Feb. 14
613	Follow the Fleet—Rogers-Astaire	Feb. 21
620	Love on a Bet—Raymond-Barrie	Mar. 6
618	Yellow Dust—Richard Dix-Leila Hyams	Mar. 13
623	Silly Billies—Wheeler-Woolsey-Lee	Mar. 20
624	Farmer in the Dell—Stone-Parker	Mar. 27
621	Two in Revolt—Arledge-Latimer	Apr. 3
625	Murder on the Bridle Path—Gleason	Apr. 17
626	The Witness Chair—Harding-Abel	Apr. 24
627	Special Investigator—Richard Dix	May 8
628	The Ex-Mrs. Bradford—Powell-Arthur	May 15
670	Dancing Pirate—F. Morgan-Duna	May 23

## Twentieth Century-Fox Features

(444 W. 56th St., New York, N. Y.)

631T	It Had to Happen—Raft-Russell	Feb. 14
633F	Here Comes Trouble—Kelly-Judge	Feb. 21
638T	The Prisoner of Shark Island—Baxter	Feb. 28
636F	The Country Doctor—Dionne-Hersholt	Mar. 6
642F	Song and Dance Man—Kelly-Trevor	Mar. 13
634F	Everybody's Old Man—Cobb-Hudson	Mar. 20
640F	Charlie Chan at the Circus—Oland	Mar. 27
639F	O'Malley of the Mounted—O'Brien	Mar. 27
641F	Gentle Julia—Withers-Brown-Hunt (re.)	Apr. 3
632T	A Message to Garcia—Berry-Stanwyck	Apr. 10
635F	Captain January—Shirley Temple	Apr. 17
643F	The Country Beyond—Hudson-Kelly (re.)	Apr. 24
699F	A Connecticut Yankee—Rogers Reissue	Apr. 24
644T	Under Two Flags—Colman-Colbert	May 1
629F	Champagne Charlie—Cavanagh-Wood (re.)	May 8
645F	Private Number—Young-Taylor-Kelly	May 15
646F	The First Baby—Downs-Deane-Darwell	May 22
647T	Half Angel—Dee-Donlevy-Butterworth	May 29
648T	Sins of Man—Hersholt-Ameche-Ford	June 5
649T	White Fang—Whalen-Muir-Donlevy	June 12
650F	Border Patrolman—George O'Brien	June 19

## United Artists Features

(729 Seventh Ave., New York, N. Y.)

### Beginning of 1935-36 Season

	The Dark Angel—March-Oberon-Marshall	Sept. 6
	Red Salute—Stanwyck-Young	Sept. 13
	Barbary Coast—Hopkins-McCrea-Robinson	Sept. 27
	Melody Lingers On—Hutchinson-Houston	Nov. 9
	Splendor—Hopkins-McCrea	Nov. 23
	Strike Me Pink—Eddie Cantor-Ethel Meruian	Jan. 24
	Ghost Goes West—Donat-Parker	Feb. 7
	Modern Times—Charles Chaplin	Feb. 14
	These Three—Hopkins-Oberon-McCrea	Feb. 28
	Little Lord Fauntleroy—Bartholomew	Mar. 6
	Things to Come—English cast	Apr. 24
	Amateur Gentleman—Douglas Fairbanks, Jr.	Apr. 17
	One Rainy Afternoon—Lederer-Lupino (re.)	May 13

## Universal Features

(1250 Sixth Ave., New York, N. Y.)

### 1934-35 Season

A8004	Next Time We Love—Sullivan-Stewart	Jan. 27
A8002	Sutters Gold—Arnold-Barnes	Apr. 13
A8001	Showboat—Dunne-Jones-Robeson (re.)	May 17
	(more to come)	

### 1935-36 Season

A9029	East of Java—Bickford-Young	Nov. 25
A9014	The Great Impersonation—Lowe-Hobson	Dec. 9
A9015	The Invisible Ray—Karloff	Jan. 20
A9043	Sunset of Power—Buck Jones (66 min.)	Jan. 23
A9032	Dangerous Waters (Riverboat Gambler)— Holt-Gibson	Feb. 3
A9044	Silver Spurs—Buck Jones (65½ min.)	Feb. 10
A9025	Don't Get Personal—Eilers-Dunn	Feb. 17
A9007	Love Before Breakfast (Spinster Dinner)— Lombard-Foster	Mar. 9
A9045	For the Service—Buck Jones (65 min.)	Apr. 6
A9006	Dracula's Daughter—Churchill (reset)	May 24
A9046	The Cowboy and the Kid—Jones (57½ m.)	May 25
A9033	Nobody's Fool (Unconscious)—Horton re	May 31
A9031	Crash Donovan (Agent 44)—Jack Holt	June 7
A9036	Parole!—Preston-Hunter	June 14

## Warner Bros. Features

(321 W. 44th St., New York, N. Y.)

910	Dangerous—Davis-Tone-Lindsay	Jan. 4
922	Freshman Love—McHugh-Ellis-Hull	Jan. 18
921	The Widow From Monte Carlo—William	Feb. 1
904	The Petrified Forest—Howard-Davis	Feb. 8
923	Man Hunt—Cortez-Churchill	Feb. 15
915	Boulder Dam—Alexander-Ellis-Talbot	Mar. 7
914	The Walking Dead—Karloff-Cortez	Mar. 14
903	Colleen—Keeler-Powell-Blondell-Oakie	Mar. 21
906	I Married a Doctor—O'Brien-Hutchinson	Apr. 25
929	Treachery Rides the Range—Dick Foran	May 2
924	Times Square Playboy—William-Travis	May 16
911	Sons O' Guns—Brown-Blondell-Roberts	May 30
925	The Big Noise—Kibbee-Hull-Lloyd-Foran	June 27



## SHORT SUBJECT RELEASE SCHEDULE

### Columbia—One Reel

6802	Feminine Invasion—World of Sports (9½m)	Oct. 20
6351	Tetched in the Haid—Barney Google color cartoon (7 min.)	Oct. 24
6404	From the Brink of Eternity—Voice of Experience No. 4—(11 min.)	Oct. 28
6602	Let's Ring Doorbells—Scrappys (7 min.)	Nov. 7
6703	Screen Snapshots No. 3—(9½ min.)	Nov. 8
6953	Stars of Tomorrow No. 3—(10½ min.)	Nov. 10
6954	Stars of Tomorrow No. 4—(10½ min.)	Nov. 10
6405	Voice of Experience No. 5—(10 min.)	Nov. 12
6503	Kannibal Kapers—K. Kat cartoon	Nov. 21
6406	Voice of Experience No. 6—(11½ min.)	Nov. 27
6803	Hunter's Paradise—Sports (9½ min.)	Nov. 30
6303	Bon Bon Parade—Color Rhapsody (8½m.)	Dec. 5
6704	Screen Snapshots No. 4—(9½ min.)	Dec. 6
6407	Voice of Experience No. 7—(9½ min.)	Dec. 8
6352	(6354) Patch Mah Britches—Google cartoon (7 min.)	Dec. 19
6408	Voice of Experience No. 8—(10½ m.)	Dec. 24
6603	Scrappy's Boy Scouts—Cartoon (7½ m.)	Jan. 2
6705	Screen Snapshots No. 5—(9½ m.)	Jan. 3
6955	Stars of Tomorrow No. 5—(11 m.)	Jan. 15
6956	Stars of Tomorrow No. 6—(11 m.)	Jan. 17
6706	Screen Snapshots No. 6—(9½ m.)	Jan. 31
6504	The Bird Stuffer—K. Kat (6 m.)	Feb. 1
6304	Doctor Bluebird—Color Rhapsody (8 m.)	Feb. 5
6804	Ice Cutups—World of Sports (9½ min.)	Feb. 6
6409	Voice of Experience No. 9—(11 min.)	Feb. 25
6604	Scrappy's Pony—Cartoon (6 min.)	Feb. 27
6707	Screen Snapshots No. 7—(9 min.)	Feb. 28
6805	Stop, Look and Guess—World of Sports (9½ min.)	Mar. 9
6806	Thrills with Daredevils—World of Sports (9½ min.)	Mar. 19
6505	Li'l Anjil—K. Kat (6 min.)	Mar. 19
6410	Voice of Experience No. 10—(10 min.)	Mar. 26
6708	Screen Snapshots No. 8—(9 min.)	Mar. 27
6353	Spark Plug—Barney Google (7½ min.)	Apr. 12
6807	Speed Mad—World of Sport (9½ min.)	Apr. 17
6709	Screen Snapshots No. 9—(9½ min.)	Apr. 24
6305	Football Bugs—Color Rhapsody (7½ min.)	May 1

### Columbia—Two Reels

6113	Just Speeding—All Star (17½ m.)	Jan. 23
6114	Ants in the Pantry—Stooge No. 4—(18 min.)	Feb. 6
6115	Movie Maniacs—Stooge comedy (17½ min.)	Feb. 20
6116	Caught in the Act—Clyde comedy (17½ m.)	Mar. 5
6117	Share the Wealth—Clyde com. (18m.)	Mar. 19
6118	Midnight Blunders—All Star (17 min.)	Apr. 21
6119	Half Shot Shooters—Stooge com. (17½ m.)	May 1
6120	The Peppery Salt—Clyde com. (17½min.)	May 10

### Metro-Goldwyn-Mayer—One Reel

M-325	Let's Dance—Miniatures (8 min.)	Jan. 4
W-345	Bottles—Cartoon (10 min.)	Jan. 11
S-366	Air Hoppers—Sports Parade (10 min.)	Jan. 18
T-306	Victoria and Vancouver—Travel. (9 m.)	Jan. 25
M-326	West Point of the South—Miniatures (8m)	Feb. 1
W-346	The Early Bird and the Worm—Cart. 9m.	Feb. 8
S-367	Table Tennis—Sport Parade (10 min.)	Feb. 15
T-307	Sacred City of the Mayan Indians—Traveltalks (7 min.)	Feb. 22
M-327	Important News—Miniatures (10 min.)	Feb. 29
W-347	The Old Mill Pond—Cartoons	Mar. 7
S-368	Racing Canines—Sports Parade (10m.)	Mar. 14
T-308	Cherry Blossom Time in Japan—Traveltalk (9 min.)	Mar. 21
M-328	The Jonker Diamond—Miniatures (10m.)	Mar. 28
W-348	Not Yet Titled—Cartoons	Apr. 4
S-369	Not Yet Titled—Sports Parade	Apr. 11
T-309	Not Yet Titled—Traveltalks	Apr. 18
M-329	How To Behave—Miniatures (10 min.)	Apr. 25

### Metro-Goldwyn-Mayer—Two Reels

C-205	The Count Takes the Count—Chase (20m.)	Feb. 22
C-226	Pan Handlers—Todd-Kelly (21 min.)	Feb. 29
P-246	Not Yet Titled—Crime Doesn't Pay	Mar. 7
C-216	The Lucky Corner—Our Gang (16 min.)	Mar. 14
R-236	Not Yet Titled—Musical Revues	Mar. 21
C-206	Vamp Till Ready—Charley Chase (20m.)	Mar. 28
C-227	Not Yet Titled—Todd-Kelly	Apr. 4
C-217	Second Childhood—Our Gang (19 min.)	Apr. 11
C-207	Not Yet Titled—Charley Chase	Apr. 18

### Paramount—One Reel

J5-2	Popular Science No. 2—(10 min.)	Nov. 29
V5-8	Countryside Melodies—Varieties (6 m.)	Nov. 29
E5-4	The Spinach Overture—Popeye (8 m.)	Dec. 6
A5-7	Radio Rhapsody—Headliner (9½ m.)	Dec. 6
P5-5	Paramount Pictorial No. 5—(9 m.)	Dec. 6
V5-7	Broadway Highlights No. 5—Var. (10 m.)	Dec. 13
R5-6	The Sporting Network—Sport. (9½ m.)	Dec. 20
V5-9	Lucky Stars—Varieties (10 m.)	Dec. 27
A5-8	Accent on Girls—Headliners (8½ m.)	Dec. 27
T5-5	Little Nobody—Betty Boop cart. (6½ m.)	Dec. 27
P5-6	Paramount Pictorial No. 6—(9½ m.)	Jan. 3
E5-5	Vim, Vigor and Vitality—Popeye (6½ m.)	Jan. 3
V5-10	Shorty at Coney Island—Var. (9½ m.)	Jan. 10
A5-9	Moscow Moods—Headliner (10 m.)	Jan. 17
R5-7	What's The Answer—Spotlight (9½ m.)	Jan. 17
C5-3	Somewhere in Dreamland—Color (8½ m.)	Jan. 17
Sc5-3	No Other One—Screen Song (6½ m.)	Jan. 24
J5-3	Popular Science No. 3—(10½ m.)	Jan. 24
T5-6	Betty Boop and the Little King—cart. (6 m.)	Jan. 31
V5-11	Movie Milestones No. 2—Varieties (9½ m.)	Jan. 31
P5-7	Paramount Pictorial No. 7—(9½ min.)	Jan. 31
A5-10	Movie Melodies On Parade (Seeing Stars)—Headliner (10 min.)	Feb. 7
E5-6	A Clean Shaven Man—Popeye (6 min.)	Feb. 7
R5-8	Finer Points—Spotlight (9 min.)	Feb. 14
V5-12	The Collie—Varieties (9½ min.)	Feb. 21
A5-11	The Star Reporter (Movie Melodies on Parade)—Headliner (9 min.)	Feb. 28
P5-8	Paramount Pictorial No. 8—(9½ min.)	Feb. 28
T5-7	Not Now—Betty Boop cartoon (6½ min.)	Feb. 28
E5-7	Brotherly Love—Popeye (6 min.)	Mar. 6
V5-13	Here Comes the Zoo—Varieties (8½ min.)	Mar. 13
R5-9	Winged Champions—Spotlight (9½ min.)	Mar. 13
C5-4	The Little Stranger—Color class. (7½ m.)	Mar. 13
A5-12	Midnight Melodies—Headliner (10 min.)	Mar. 20
P5-9	Paramount Pictorial No. 9—(9 min.)	Mar. 27
T5-8	Betty Boop and Little Jinmy—Boop cartoon (5½ min.)	Mar. 27
Sc5-4	I Feel Like a Feather in the Breeze—Screen Song (7½ min.)	Mar. 27
J5-4	Popular Science No. 4—(10 min.)	Mar. 27
V5-14	Broadway Highlights No. 6—Var. (8 m.)	Apr. 3
E5-8	I-Ski Love-Ski You-Ski—Popeye (6 min.)	Apr. 3
A5-13	Breezy Rhythm—Headliner (10 min.)	Apr. 10
R5-10	Sun Chasers—Spotlight (9½ min.)	Apr. 10
V5-15	The Rookie Fireman—Varieties (8½ min.)	Apr. 17
P5-10	Paramount Pictorial No. 10—(10 min.)	Apr. 24
T5-9	We Did It—Betty Boop (5½ min.)	Apr. 24
V5-16	Dangerous Jobs—Varieties (8½ min.)	May 1
A5-14	Yankee Doodle Rhapsody—Headliner	May 1
E5-9	Bridge Ahoy!—Popeye (6½ min.)	May 1
R5-11	Catching Trouble—Spotlight (9½ m.)	May 8
C5-5	The Cobweb Hotel—Color Classic	May 15
V5-17	The Poodle—Varieties (9 min.)	May 22

### RKO—One Reel

64305	Winter Sports—Screen Sport (11 min.)	Mar. 13
64106	Molly Moo Cow and Robinson Crusoe—Rainbow Parade (7 min.)	Mar. 20
64207	Debonair New Orleans—Easy Aces (10m.)	Mar. 27
64506	Coral Isle of the Atlantic—World on Parade (11 min.)	Mar. 27
64405	Underground Farmer—Struggle to Live (9 min.)	Apr. 17
64107	Neptune's Nonsense—Rainbow Parade 7m.	Apr. 17
64801	Major Bowes Amateur Parade No. 1—(9m.)	May 1
64605	Pathe Topics—(9 min.)	May 1

### RKO—Two Reels

63107	March of Time—No. 2 (20½ min.)	Feb. 14
63304	All Business—Ford Sterling (18½ min.)	Feb. 14
63504	Alladin From Manhattan—Etting (17 min)	Feb. 28
63404	Will Power—Kennedy (15½ min.)	Mar. 6
63108	March of Time—No. 3 (18 min.)	Mar. 13
63604	A Wedtime Story—Lew Fields (21 min.)	Mar. 20
63704	Down the Ribber—Leon Errol (21 min.)	Mar. 27
63901	Headlines of 25 Years—Special (21 min.)	Mar. 27
63205	Fight is Right—Tom Kennedy (17 min.)	Apr. 10
63109	March of Time—No. 4 (21 min.)	Apr. 17
63305	Framing Father—Ford Sterling (16m.)	Apr. 17
63505	Melody in May—Ruth Etting (19 min.)	May 1
63405	High Beer Pressure—Kennedy (18 min.)	May 8
63110	March of Time—No. 5	May 15
63605	Bad Medicine—Headliner (15 min.)	May 22
63705	Wholesailing Along—Leon Errol (17 min.)	May 29



## Twentieth Century-Fox—One Reel

6507	Aladdin's Lamp—Terry-Toon (6 min.)	Nov. 15
1504	Shooting the Record Breakers—Adventures of a News Cameraman (8 min.)	Nov. 22
3604	Argentine Argosy—Along Rd. Romance (9½ min.)	Nov. 22
6508	Southern Horse-Pitality—Terry-Toon (6m)	Nov. 29
6908	Sorority Blues—Song Hit com. (11 m.)	Dec. 6
6509	Ye Olde Toy Shop—Terry Toon (6 min.)	Dec. 13
6907	Seeing Nellie Home—Song Hit com. (11m)	Dec. 20
3605	Winter Magic—Along Rd. Romance (8½ m.)	Dec. 27
1505	Filming the Feminine Headliners—Adventures of a News Cameraman (9½ m.)	Dec. 27
6510	The Mayflower—Terry-Toon (6 m.)	Dec. 27
6607	The Game of Jai Alai—Tres. Chest (9 m.)	Dec. 27
6909	Easy Pickin's—Musical (10 m.)	Dec. 27
6511	The Feud—Terry-Toon (6 m.)	Jan. 10
6606	The Seeing Eye—Treas. Chest (10½ m.)	Jan. 17
6512	19th Hole Club—Terry-Toon (6½ m.)	Jan. 24
6603	Manhattan Tapestry—Treas. Chest (10 m.)	Jan. 31
6608	Fisherman's Luck—Treas. Chest (9 min.)	Jan. 31
3606	Hong-Kong Highlights—Along the Road to Romance (9½ min.)	Jan. 31
1506	Filming the Fantastic—Adv. News (9½ m.)	Jan. 31
6513	Homtown Olympics—Terry-Toon (6 min.)	Feb. 7
6514	The Alpine Yodeler—Terry-Toon (6 min.)	Feb. 21
	No release for	Feb. 28
6515	Barnyard Amateurs—Terry-Toon (6 m.)	Mar. 6
6516	Off to China—Terry-Toon (6 min.)	Mar. 20
6609	The Legend of the Lei—Treas. Chest	Mar. 27
6517	The Western Trail—Terry-Toon (6 min.)	Apr. 3
6518	A Wolf in Cheap Clothing—Terry-T. (6m.)	Apr. 17
6910	Spooks—Cabin Kids (8½ min.)	Apr. 17
6610	Animal Canning—Treas. Chest (10½ min.)	May 1
6519	Rolling Stones—Terry-Toon (6 min.)	May 1
6520	The Runt—Terry-Toon (6 min.)	May 15
6521	The Busy Bee—Terry-Toon	May 29

## Twentieth Century-Fox—Two Reels

6207	One Big Happy Family—com. (21½ m.)	Nov. 15
6303	Knockout Drops—Mirthquake (19 min.)	Dec. 6
6304	Choose Your Partners—Mirthquake (20m.)	Dec. 13
6108	Perfect Thirty-Sixes—Mus. com. (18½ m.)	Dec. 20
6109	Three on a Limb—Keaton (19½ min.)	Jan. 3
6208	The Brain Busters—Barnett (18 m.)	Jan. 10
6209	Mixed Policies—Screen star com. (20 m.)	Jan. 17
6110	Thanks Mr. Cupid—Mus. Comedy (18 m.)	Jan. 24
6305	Beware of Blondes—Young Rom. (20½ m.)	Feb. 7
6112	Give 'Im Air—Joe Cook comedy (19 m.)	Feb. 14
6111	Grand Slam Opera—Keaton (21 min.)	Feb. 21
6306	Love in September—Coogan (21 min.)	Mar. 6
6210	Just Plain Folks—Tim & Irene (19½ min.)	Mar. 13
6113	Gold Bricks—Bert Lahr (20½ min.)	Mar. 20
6114	The White Hope—Joe Cook (19 min.)	Mar. 27
6115	Triple Trouble—Ernest Truex (16½ min.)	Apr. 3
6211	Where Is Wall Street—T. Howard (19½m.)	Apr. 10
6214	Fresh From the Fleet—Buster West (18½m.)	Apr. 24
6213	Sleepless Hollow—Harry Gribbon (16½m.)	May 8
6307	It Happened All Right—Tim & Irene	May 15
6308	Not Yet Titled—Tom Howard comedy	May 22
6212	Happy Heels—Buster West	May 29

## United Artists—One Reel

5	Broken Toys—Silly Symphony (8 m.)	Dec. 19
6	Cock O' The Walk—Silly Symphony (8 m.)	Jan. 9
6	Mickey's Polo Team—Mickey Mouse (8 min.)	Feb. 5
7	Orphans Picnic—Mickey Mouse (8 min.)	Mar. 12
8	Mickey's Grand Opera—Mickey Mouse (8 m.)	Apr. 9

## Universal—One Reel

A9275	Doctor Oswald—Oswald cartoon (7½ m.)	Dec. 30
A9377	Stranger Than Fiction No. 17—(9 min.)	Jan. 13
A9390	Going Places with Thomas No. 17—(9½ m.)	Jan. 20
A9276	Soft Ball Game—Oswald Cart. (7 m.)	Jan. 27
A9277	Alaska Sweepstakes—Oswald cart. (7½ m.)	Feb. 17
A9361	(9163) Skits 'N' Sketches—Nov. (9½ m.)	Feb. 24
A9278	Slumberland Express—Oswald cart. (7 m.)	Mar. 9
A9391	Going Places with Thomas No. 18 (10½m.)	Mar. 9
A9392	Going Places with Thomas No. 19 (9½m.)	Mar. 23
A9279	Beauty Shoppe—Oswald cart. (6½ min.)	Mar. 30
A9378	Stranger Than Fiction No. 18—(9½ m.)	Mar. 30
A9379	Stranger Than Fiction No. 19—(9 m.)	Apr. 13
A9393	Going Places with Thomas No. 20 (9 m.)	Apr. 20
A9280	Barnyard Five—Oswald Cart. (6½ min.)	Apr. 20
A9281	The Fun House—Oswald cart. (6½ min.)	May 4

## Universal—Two Reels

A9158	Signing Off—Mentone com. (18½ m.)	Feb. 19
A9707	Monster of the Deep—Merri. No. 7 (21 m.)	Feb. 24
A9708	The Tragic Victory—Merriwell No. 8 (18½ m.)	Mar. 2
A9709	Between Savage Foes—Merriwell 9 (19)	Mar. 9
A9710	Imprisoned in a Dungeon—Merriwell No. 10 (19½ min.)	Mar. 16
A9159	Playing For Fun—Mentone (15½ min.)	Mar. 18
A9711	The Crash in the Chasm—Merriwell No. 11 (20½ min.)	Mar. 23
A9712	The Winning Play—Merriwell No. 12 (19½ min.)	Mar. 30
A9501	The Planet of Peril—Flash Gordon No. 1 (20½ min.)	Apr. 6
A9160	The Vaud-O-Mat—Mentone (19 min.)	Apr. 8
A9502	The Tunnel of Terror—Flash No. 2 (20 m.)	Apr. 13
A9503	Captured by Shark Men—Flash 3 (21 m.)	Apr. 20
A9504	Battling the Sea Beast—Flash No. 4 (18m.)	Apr. 17
A9161	Marine Follies—Mentone (18½ min.)	Apr. 29
A9505	The Destroying Ray—Flash No. 5 (17½m.)	May 4
A9506	Flaming Torture—Flash No. 6 (18m.)	May 11
A9507	Shattering Doom—Flash No. 7 (18m.)	May 18
A9508	Tournament of Death—Flash #8 (16½m.)	May 25
A9509	Fighting the Fire Dragon—Flash #9 (19m.)	May 31
A9510	The Unseen Peril—Flash #10 (18½m.)	June 7

## Vitaphone—One Reel

1808	Wild Wings—Pepper Pot (9½ m.)	Jan. 11
1402	I Wanna Play House—Mer. Mel. (7 m.)	Jan. 18
1703	Alpine Antics—Looney Tunes (7 min.)	Jan. 18
1906	Steel and Stone—Our Own U. S. (10 min.)	Jan. 25
1606	Vitaphone Celebrities—Vaudville (11 min.)	Jan. 25
1506	Off the Record—Rolf Orch. (10 min.)	Feb. 1
1704	The Phantom Ship—Looney Tunes (8 min.)	Feb. 1
1810	Some Class—Chas. Ahern (11 min.)	Feb. 8
1403	The Cat Came Back—Merrie Mel. (8 min.)	Feb. 8
1607	Vaudeville Unit No. 7—(10 min)	Feb. 15
1809	Timber Giants—Pepper Pot (10 min.)	Feb. 22
1507	Jolly Coburn and Orchestra—(9½ min.)	Feb. 22
1705	Boom Boom—Looney Tunes (7½ min.)	Feb. 29
1608	Vitaphone Spotlight—(10 min.)	Mar. 7
1404	Miss Glory—Merry Melodies (7½ min.)	Mar. 7
1909	Harbor Lights—Our Own U. S. (10 min.)	Mar. 21
1811	The Half Wit-Ness—Radio Ram. (11m.)	Mar. 21
1508	Little Jack Little—Mel. Masters (11m.)	Mar. 28
1609	Vaudeville No. 9—(11 min.)	Apr. 4
1706	The Blowout—Looney Tune (7½ min.)	Apr. 4
1405	I'm a Big Shot Now—Mer. Melody (7½m.)	Apr. 11
1907	We Eat To Live (Markets)—Our Own United States (10 min.) (reset)	Apr. 18
1801	Pictorial Review—Pepper Pot	Apr. 18
1509	Ramon Ramos & Orch.—Mel. Masters (9m.)	Apr. 18
1707	Westward Whoa—Looney Tunes (7½ min.)	Apr. 25
1610	Vitaphone Hippodrome—Picon (11 min.)	May 2
1406	Let It Be Me—Merrie Melody (8 min.)	May 9
1910	Vacation Spots—Our Own U. S. (10m.) (re.)	May 16
1510	Dave Apollon & Orch.—Mel. Masters (10m.)	May 16
1708	Fish Tales—Looney Tune	May 23
1611	Vaudeville No. 11	May 30
1407	I'd Love to Take Orders From You—Merrie Melody (8 min.)	May 30
1511	Vincent Lopez & Orch.—Mel. Mast. (11m.)	June 6
1911	Irons in the Fire—Our Own U. S.	June 13

## Vitaphone—Two Reels

1013	Between the Lines—Bernice Claire (21 m.)	Feb. 8
1110	Shop Talk—Bob Hope (22 m.)	Feb. 15
1004	King of the Islands—Wini Shaw (18 m.)	Feb. 22
1024	The Stars Can't Be Wrong—Lamour (20½)	Feb. 29
1014	Wash Your Step—Bway. Brevity (22 min.)	Mar. 7
1111	For the Love of Pete—Comedy (22 min.)	Mar. 14
1015	Paris in New York—I. Bordonni (22 min.)	Mar. 21
1112	Bob Hope—Comedy Series (21½ min.)	Mar. 28
1025	The Black Network—com. (21½ min.)	Apr. 4
1030	College Dads—Leon Janney (22 min.)	Apr. 11
1113	Slum Fun—comedy (22 min.)	Apr. 11
1016	The Double Crossky—Baclanova (20m.)	Apr. 18
1114	Yacht Club Boys—Vitaphone-comedy	Apr. 25
1026	I'm Much Obligated—Vera Van (22m.)	May 2
1115	Absorbing Junior—Shemp Howard (22m.)	May 9
1017	When You're Single—Cross & Dunn (22m.)	May 16
1018	Grace Hayes & Son—Bway. Brevity	May 23
1019	The City's Slicker—Dawn O'Day	May 30
1117	Here's Howe—Shemp Howard	June 6
1032	Romance in the Air—Wini Shaw	June 13

## NEWSWEEKLY NEW YORK RELEASE DATES Universal

458	Saturday	May 16
459	Wednesday	May 20
460	Saturday	May 23
461	Wednesday	May 27
462	Saturday	May 30
463	Wednesday	June 3
464	Saturday	June 6
465	Wednesday	June 10
466	Saturday	June 13
467	Wednesday	June 17
468	Saturday	June 20
469	Wednesday	June 24
470	Saturday	June 27
471	Wednesday	July 1

## Fox Movietone

69	Wednesday	May 13
70	Saturday	May 16
71	Wednesday	May 20
72	Saturday	May 23
73	Wednesday	May 27
74	Saturday	May 30
75	Wednesday	June 3
76	Saturday	June 6
77	Wednesday	June 10
78	Saturday	June 13
79	Wednesday	June 17
80	Saturday	June 20
81	Wednesday	June 24
82	Saturday	June 27
83	Wednesday	July 1

## Paramount News

82	Wednesday	May 13
83	Saturday	May 16
84	Wednesday	May 20
85	Saturday	May 23
86	Wednesday	May 27
87	Saturday	May 30
88	Wednesday	June 3
89	Saturday	June 6
90	Wednesday	June 10
91	Saturday	June 13
92	Wednesday	June 17
93	Saturday	June 20
94	Wednesday	June 24
95	Saturday	June 27
96	Wednesday	July 1

## Metrotone News

267	Wednesday	May 13
268	Saturday	May 16
269	Wednesday	May 20
270	Saturday	May 23
271	Wednesday	May 27
272	Saturday	May 30
273	Wednesday	June 3
274	Saturday	June 6
275	Wednesday	June 10
276	Saturday	June 13
277	Wednesday	June 17
278	Saturday	June 20
279	Wednesday	June 24
280	Saturday	June 27
281	Wednesday	July 1

## Pathe News

65284	Wed. (E.)	May 13
65185	Sat. (O.)	May 16
65286	Wed. (E.)	May 20
65187	Sat. (O.)	May 23
65288	Wed. (E.)	May 27
65189	Sat. (O.)	May 30
65290	Wed. (E.)	June 3
65191	Sat. (O.)	June 6
65292	Wed. (E.)	June 10
65193	Sat. (O.)	June 13
65294	Wed. (E.)	June 17
65195	Sat. (O.)	June 20
65296	Wed. (E.)	June 24
65197	Sat. (O.)	June 27
65298	Wed. (E.)	July 1



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## A REVIEWING SERVICE FREE FROM THE INFLUENCE OF FILM ADVERTISING

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No. 21

### Anti-Trust Litigation in the Motion Picture Industry—No. 6

By George S. Ryan

#### (7) MONOPOLY OF PRODUCT

What has been the effect upon competition in the industry of the consolidation of corporations producing and distributing films and operating theatres? The possession of strength is a temptation to use it; power may be dangerous, when directed by ignorance, ambition or greed. Generally the result has been to give producer-owned theatres a substantial monopoly of major films, to the exclusion of independent exhibitors. Almost invariably they have secured the films first run, with long periods of protection. In some instances, however, they have insisted upon the exclusive right to exhibit the films in their respective localities, and, less frequently, they have bought or reserved, or engrossed, a number of films they were unable to use.

Naturally this condition has provoked controversy. A supply of films is life to a motion picture theatre; a failure of supply is death. Independent exhibitors and their spokesmen have averred that the control of product has been obtained by conspiracy or by monopoly, in violation of sections 1 or 2, respectively, of the Sherman Act. For years the industry has resounded with the charge of conspiracy, and a large majority of the actions have been brought on that ground.<sup>40</sup> But it is not impossible to conceive a situation where a corporation may secure the prior or exclusive run of major films in a particular locality by separate contracts with distributors. In such circumstances, is there any violation of the law which prohibits monopolizing, or attempting or conspiring to monopolize, any part of interstate commerce?

Monopoly is control.<sup>41</sup> It is defined as "the suppression of competition by unification of interest or management, or it may be through agreement and concert of action."<sup>42</sup> "It is the exclusion of others from the opportunity of doing business that is regarded as monopolizing."<sup>43</sup>

To violate the statute it is not necessary that a complete monopoly should be established. "It is sufficient if it really tends to that end and to deprive the public of the advantages which flow from free competition."<sup>44</sup>

Nor is it essential that the unlawful purpose should be even partially successful. The law prohibits any attempt to monopolize; which means, if the acts are insufficient to accomplish the result, an illegal intention and a "consequent dangerous probability" of success.<sup>45</sup>

In considering the question of monopolizing, it is worth while to bear in mind the methods, purposes and results of theatre acquisition,<sup>46</sup> and the means by which control of product has been secured. Producer-controlled theatres have been strung together across the continent in large chains, with enormous buying power. The visible means or instrumentalities by which they have secured product have been franchises, or long term contracts, with major distributors; annual master contracts covering a large number of houses throughout the entire country; selective contracts, so-called; and requests for reservation of product, usually made in advance of the selling season. Obviously these have given the producer-controlled theatres a tremendous competitive advantage over independent exhibitors.

In the report of the auditor from which quotation has already been made<sup>47</sup> there is the following language, spoken of Paramount, but equally applicable to some other major companies:

All these master contracts, as did the long term contracts termed franchises, gave the defendant the right and put it under the obligation to take the minimum number of photoplays therein specified. In most instances the defendant was also given an option to take the re-

mainder of the distributors' product if it should so elect, but was under no obligation to do so.

All the contracts and franchises contained provisions for protection similar to those above set forth and had the effect of making Publix Theatres the only theatres in their localities which could get first run pictures from the various major distributors who had made such contracts with the defendant. In such cases no other theatre could get a picture first-run unless the defendant had refused it.

It has been the practice of the defendant to send to the major distributors early in the season notices that the defendant would be interested in their product for the following season at certain specified localities. The plaintiffs term these notices "requests for reservation."

In most instances these requests were effective and distributors generally were willing to reserve their product for the defendant in all locations except where the product had already been sold or contracted for elsewhere.

The defendant frankly concedes that it is able to secure licenses for pictures for its theatres from other distributors on more favorable terms than can independent exhibitors. I find that these more favorable terms include both lower prices and optional and selective features to their contracts. I further find that it is generally impossible for an independent theatre to get product from other distributors for a certain run in competition with the defendant.

... Certain distributors issued instructions to their representatives not to solicit business where Paramount or Warner were in the field. Certain others were bound by franchises to subsidiaries of the defendant and consequently were unable to sell to competing theatres.

The favorable buying position of the defendant as an exhibitor was such that in spite of vigorous efforts by the plaintiffs to obtain pictures from the major distributors clear of the defendant's competing theatres they have been in the main unsuccessful in such efforts. Intimations by the defendant that it was interested in product in the plaintiffs' localities have had the effect substantially of closing to the plaintiffs the market for major product in such localities. . . .

In several of these actions a claim was made that the defendant had engrossed the product of the major distributors,—that is to say, that it had purchased or reserved more films than were reasonably necessary, in order to prevent the plaintiffs from securing them; and the auditor made findings on that ground for a number of the plaintiffs.<sup>48</sup> The following is an extreme example of the working of such a policy:

I find that the additional pictures bought in January and February, 1931, were bought because of the knowledge of the defendant's chief buyer and booker that the . . . [plaintiff's theatre] . . . was about to open. These additional purchases were for the purpose of depriving the plaintiff of sufficient pictures to operate the . . . [plaintiff's theatre] . . . with a program that had not previously been shown in part at least at the . . . [defendant's theatre]. . . . The change in the . . . [defendant's theatre] . . . policy from two to three changes a week, or showing six feature pictures weekly instead of four was for the purpose of using the additional pictures thus bought and for further competitive advantage over the . . . [plaintiff's theatre]. . . .

(Continued on last page)



### "Speed" with James Stewart, Wendy Barrie and Ted Healy

(MG M, May 8; time, 72 min.)

A fair program action melodrama with comedy. There are some pretty interesting scenes in it, taken at an automobile factory; they show the assembling of automobiles and the testing work done on them. These scenes should appeal to men. One is held in fair suspense in the scenes that show James Stewart racing a new type automobile. The comedy, provoked by Ted Healy's wisecracking, is very amusing, particularly when Healy argues with Patricia Wilder, his girl friend, whom he accuses of flirting with other men. Stewart and Wendy Barrie provide the romantic interest, which is developed in the routine manner, with misunderstandings and final reconciliation:—

Stewart, a mechanic and tester at an automobile factory, falls in love with Miss Barrie, employed in the publicity department. Weldon Heyburn, an engineer, is attracted to her also. This creates bad feelings between the two men. Stewart, with the engineering help of Weyburn, invents a new carburetor. Heyburn pronounces it in good condition and, in spite of the fact that Stewart objects, orders him to race a car with the new carburetor. Something goes wrong, and there is an accident, in which Stewart and his mechanic (Healy) are injured. When Stewart learns that Heyburn had been assigned to him at the insistence of Miss Barrie, he tells her he never wants to speak to her again. He regains his health and is overjoyed when the company offers to finance him further; he does not know that this was being done at Miss Barrie's suggestion. During a speed test, escaping fumes incapacitate him. Heyburn rushes to his assistance and races the car to victory, thereby bringing fame and wealth to Stewart. Stewart realizes how foolish he had been. To his surprise he learns that Miss Barrie is one of the owners of the automobile concern. She tells him her wealth means nothing, and they become engaged.

Milton Krims and Larry Bachman wrote the story, and Michael Fessier the screen play. Edwin L. Marin directed it, and Lucien Hubbard produced it. In the cast are Ralph Morgan, Una Merkel, and others.

Suitable for all. *Class A.*

### "Sons o' Guns" with Joe E. Brown and Joan Blondell

(Warner Bros., May 30; running time, 78½ min.)

This war farce should entertain the Joe E. Brown fans fairly well, for he goes through all his well known antics, provoking much laughter. With Frank Mitchell as his partner, he does his best clowning in an apache dance number. The scenes that show him bringing back half the German Army as his prisoners, through no actual effort on his part, are very amusing. Eric Blore is an able assistant in the comedy scenes where he, as top sergeant, forces Brown to go through drills, and apologizes for each thing he does. The story hasn't much substance; but in its non-sensical, slapstick way it manages to be fairly amusing. The romantic interest is gay, but not to be taken seriously:—

Brown, an actor, refuses to join the Army, for he feels he does not hate any one enough to kill him. Because of his attitude, Beverly Roberts, his fiancée, breaks their engagement. In order to get rid of Wini Shaw, a gold-digger who was threatening to sue him for breach of promise, Brown, attired in the soldier's uniform he used in his play, convinces her that he had joined the Army. He even goes so far as to parade with Army men on their way to France. Before he knows what had happened, he finds himself swept along with the other soldiers, and is soon in France. He distinguishes himself when he, single-handed, captures a machine-gun nest, even though he did not realize what was happening: a large contingent of German soldiers, tired of fighting, follow Brown back to the Allied lines. This wins him acclaim, and he is decorated for his heroic work. He wins Joan Blondell, the French cafe girl with whom he had fallen in love, as his bride.

The plot was adapted from the stage play by Fred Thompson and Jack Donahue. Jerry Wald and Julius J. Epstein wrote the screen play. Lloyd Bacon directed it and Harry Joe Brown supervised. In the cast are Craig Reynolds, Joseph King, and others.

Suitable for all. *Class A.*

### "The Princess Comes Across" with Carole Lombard and Fred MacMurray

(Paramount, May 22; running time, 75 min.)

Good mass entertainment! Combining romantic farce with murder-mystery melodrama, it holds the spectator's attention throughout. The audience will be kept guessing as to the identity of the murderer, for not only is he the one least suspected but there are several other persons who, by their actions, are put in a more suspicious light. There are many laughs in the first half; these are provoked by Carole Lombard's impersonation of a fake Swedish princess and the accent she assumes. In the second half the farcical tone is dropped and the murder mystery angle is brought into play, causing considerable excitement. The closing scenes, in which Fred MacMurray suddenly realizes that he is in the presence of the murderer, who was posing as a detective, are the most thrilling. The romance, developed in a gay manner, culminates to the satisfaction of the audience. All the action takes place aboard an ocean liner:—

Among the passengers aboard the ship are four renowned detectives; MacMurray, a band leader; Miss Lombard, a Brooklyn show girl on her way to Hollywood with a motion picture contract which she had obtained by pretending to be a Swedish princess; Alison Skipworth, her companion, posing as a titled lady; Porter Hall, a blackmailer; a notorious killer supposedly hiding on the boat, and many other persons. Hall, knowing Miss Lombard's background, blackmails her; he attempts to blackmail also MacMurray who, in his youth, had served a prison term but who had reformed. Hall is found murdered in Miss Lombard's suite, and both she and MacMurray, having fallen under suspicion, are obliged to undergo questioning by the delegation of detectives. She tells MacMurray who she really is. In order not to spoil her career, he pretends that he is helping her only for the publicity that he might obtain. This brings about a misunderstanding, resulting in a quarrel. One of the detectives is murdered. MacMurray finally stumbles upon the truth—that Douglas Dumbrille, posing as a famous French detective, is the notorious murderer. Dumbrille tries to kill MacMurray but is himself killed by an alert detective. Miss Lombard, because of her love for MacMurray, announces through the radio that she is a fake. She and MacMurray become engaged.

The plot was adapted from the novel by Louis Lucien Rogger. Walter DeLeon, Francis Martin, Frank Butler, and Don Hartman wrote the screen play. William K. Howard directed it, and Arthur Hornblow, Jr. produced it. In the cast are William Frawley, George Barbier, Sig Rumann, and others.

Because of the blackmail it is hardly suitable for young folk. Excellent for adults. *Class B.*

### "The King Steps Out" with Grace Moore, Franchot Tone and Walter Connolly

(Columbia, May 28; time, 84½ min.)

Just fair. This is decidedly not up to the standard set for Grace Moore pictures. For one thing, the story is thin and not particularly exciting; and the part given Miss Moore is not suited to her talents. It is somewhat embarrassing to watch her romp through a "kittenish" part, entirely out of keeping with her appearance. But the most disappointing thing is the semi-classical music, which is undistinguished. None of the numbers Miss Moore sings will stir the audience to applause. And the manner in which the different solos by Miss Moore have been injected into the plot is bad, for they do not seem to fit in with the story; they retard the action, if anything. There are some good comedy moments, provoked by the excitable Herman Bing, as an inn-keeper. The romance is developed in a fairly amusing way:—

Miss Moore, a Princess, and Walter Connolly, her father, are democratic persons. Miss Moore is enraged when Frieda Inescort, her sister, is separated from Victor Jory, her sweetheart, and rushed off to Vienna, there to be married to Franchot Tone, the Emperor. Miss Moore and her father follow Miss Inescort, hoping to prevent the marriage. Miss Moore meets Tone, and leads him to believe that she is a dressmaker. They fall in love with each other. This makes Tone decide to call off his marriage plans with Miss Inescort. Eventually Connolly tells him that Miss Moore is his daughter. This makes Tone very happy, for now he is able to marry the woman he loves.

Gustav Holm, Ernst Decsey, Hubert Marischka, and Ernst Marischka wrote the story, and Sidney Buchman the screenplay. Josef Von Sternberg directed it. William J. Perlberg was associate producer. In the cast are George Hassel, Neil Fitzgerald, and others.

Suitable for all. *Class A.*



### **"Human Cargo" with Claire Trevor and Brian Donlevy**

(20th Century-Fox, May 29; time, 66 min.)

A good action-melodrama! It holds one in tense suspense throughout because of the danger to both Claire Trevor and Brian Donlevy, rival newspaper reporters, who are shown becoming involved with a gang of alien smugglers. The plot is not particularly novel; but this fact will, no doubt, be overlooked by the audience, for the excitement is kept at a high pitch. There are also some good comedy situations, provoked by the rivalry between the two reporters—by the pranks they play on each other. The romance between them is developed logically and pleasantly. A few of the situations are outstanding in their exciting nature. The situation in which Miss Trevor is shown being held a prisoner by Morgan Wallace, the head of the gang, while Donlevy is searching for her, is one such situation:—

Donlevy, ace reporter, sets out to uncover the activities of a gang of smugglers who had been bringing aliens into the United States and afterward blackmailing them. Miss Trevor, a society girl, reporter on the same newspaper, resents the fact that Donlevy pushes her into the background after she had helped him capture a notorious killer. She obtains a position on a rival newspaper, and, having been assigned to the smuggling case, she goes to Canada disguised as a foreigner and there she obtains passage on the smuggling ship, as an alien desiring to enter the United States. To her surprise, Donlevy joins her, posing as her husband. The gang, knowing their identity, plan to kill them. After a thrilling experience, they escape. Eventually they break up the ring by uncovering the leader—Wallace, well-known, posing as a civic leader. Miss Trevor decides to give up newspaper work to marry Donlevy.

Kathleen Shephard wrote the story, and Jefferson Parker and Doris Malloy, the screen play. Allan Dwan directed it, and Sol M. Wurtzel produced it. In the cast are Alan Dinehart, Ralph Morgan, Helen Troy, Rita Cansino, and others.

Because of the gangsters' activities it is hardly for children. Good for adults. *Class B.*

### **"Forgotten Faces" with Herbert Marshall and Gertrude Michael**

(Paramount, May 15; time, 71 min.)

Sombre entertainment. Based on an unpleasant theme, the story begins and ends on a tragic note. Despite good performances by Herbert Marshall and Gertrude Michael, it is not the type of picture to leave one in a happy or pleasant frame of mind, for the story revolves around a despicable character (portrayed by Miss Michael), a woman devoid of any decent traits—base enough to attempt to ruin even her own daughter's life, for money. The most depressing thing is that Marshall, a decent person, is a victim of Miss Michael's perfidy, meeting with death at her hands. There is very little comic relief. The romance between Jane Rhodes, the daughter, and Robert Cummings is the only light touch:—

Marshall, owner of a gambling establishment, but a fine man at heart, loves Miss Michael, his wife, and their baby. He accidentally finds out that she was unfaithful to him and surprises her and her lover when one night he returns home early. He kills the lover. For this, he is sentenced to life imprisonment. Through the good efforts of James Burke, a policeman pal, the child is adopted by a wealthy family, whose identity is not made known to Miss Michael. Years pass and the daughter, grown, becomes engaged to a society man. Miss Michael, who had sunk to the level of working in cheap burlesque, realizing that she is "slipping," and that she could hold onto her job only by supplying her manager with money, tries to find out where her daughter is, her purpose being to blackmail the family who had adopted her. Through a ruse she eventually obtains the name. Marshall is released on parole and, knowing what Miss Michael was up to, decides to protect their daughter. After obtaining a position as butler in his daughter's home, without disclosing his identity, he sends warning to Miss Michael to stay away. Despite his threats she calls at the home, and is surprised to find him there. They have a heated argument and she shoots and kills him. In an attempt to escape from the police, she falls from a window to her death.

Richard W. Child wrote the story, and Marguerite Roberts, Robert Yost and Brian Marlow the screen play. F. A. Dupont directed it and A. M. Botsford produced it. In the cast are Robert Gleckler, Arthur Hohl, and others.

Not for children, adolescents, or Sundays. Adults only. *Class B.*

### **"Dracula's Daughter" with Otto Kruger, Gloria Holden and Marguerite Churchill**

(Universal, May 24; time, 70 min.)

This well produced horror melodrama is similar in form to "Dracula," and may more than satisfy followers of this type of entertainment. It is eerie and at times horrifying. The situations in which Gloria Holden, playing the part of Dracula's daughter, is shown hypnotizing victims, her intention being to drain and drink their blood, are an example of the horror they deal with. Miss Holden does not resort to weird make-up. Nevertheless, she is sinister in appearance and manner, and at times terrifies the spectator by her actions. There is considerable comedy, relieving the tension. The romantic interest is incidental. The similarity of this picture to "Dracula" lessens the dramatic suspense to some degree for those who saw the first one.

The story opens where the other picture left off—with the death of Dracula. Edward Van Sloan, the murderer, tries to convince the police inspector that he had merely rid the world of a menace but the inspector, disbelieving his theories about vampires that lived for hundreds of years, holds him for murder. Otto Kruger, a psychiatrist and Van Sloan's friend, promises to help him. He meets Miss Holden, who pleads with him to help her get rid of an obsession; she hints at what is troubling her. The case of a poor girl who was dying from what the doctors termed anemia is brought to Kruger's attention. From the girl's ravings he realizes that she had been one of Miss Holden's victims. Miss Holden kidnaps Miss Churchill, Kruger's secretary-sweetheart, her purpose being to induce Kruger to become one of the "undead," to live in the ghastly way she did—to sleep all day in a coffin and to come to life at night, drinking the blood of humans in order to keep alive. Irving Pichel, Miss Holden's faithful but jealous servant, resenting her interest in Kruger, drives a stake through her heart, ridding the world of a menace. From what the inspector had seen, he decides to free Van Sloan. Kruger and Miss Churchill are united.

Bram Stoker wrote the story, Garrett Ford, the screen play, Lambert Hillyer directed it, and E. M. Asher produced it. In the cast are Nan Gray, Hedda Hopper, Gilbert Emery, and others.

Not for children or sensitive adolescents; hardly suitable for Sunday showing in small communities. Very good adult entertainment for such as enjoy this type of entertainment. *Class B.*

### **"Abdul the Damned" with Fritz Kortner, Nils Asther and Adrienne Ames**

(Alliance-Columbia, date not set; time, 78 min.)

From the point of view of production, this British-made picture of the reign of Abdul Hamid II, the despot of Turkey, is a notable achievement, for it is artistic and impressive. But as entertainment, its appeal will be limited to high-class audiences. Despite the interesting nature of the theme, which is a psychological study of Abdul Hamid, the next to the last Sultan of Turkey, the masses may find the action too slow. Fritz Kortner gives an outstanding performance of the cruel, fear-ridden Abdul Hamid, a ruler who hated his subjects. Although one despises him for his cold-bloodedness, one cannot help feeling pity for him. The romance has been dragged in probably as a concession to the masses; but it is really meaningless.

The story revolves around the efforts of Abdul Hamid to remain on the throne of Turkey. His despotism arouses the youth of the nation to rebel against him. With the assistance of Kadar Pasha (Nils Asther), his chief-of-police, he plots to place the rebels in disfavor with the masses. For a time his plan works. He becomes infatuated with Therese (Adrienne Ames), an Austrian singer, and orders her to live at his palace. She finally agrees to do this in order to save the life of Talak Pasha (John Stuart), a Turkish Army officer, with whom she had fallen in love. At her insistence, Abdul frees Talak Pasha, but orders him out of the country. This is Abdul's undoing, for Talak becomes the leader of the Young Turks, who eventually storm the palace and force Abdul to abdicate. Talak and Therese are united.

Robert Neumann wrote the story, and Ashley Dukes, Robert Burford and W. Chetnam-Strode, the screen play. Karl Grune directed it. In the cast are Walter Rilla, Esme Percy, Alfred Woods, and others.

It may be a bit too cruel for children. Good for adults. *Class B.*



... I am convinced by the evidence that the business of the ... [plaintiff's theatre] ... was damaged by the defendant's competitive and unreasonable over-buying of pictures for the ... [defendant's theatre] ... during the season 1930-1931 and 1931-1932. This over-buying of pictures was rendered possible by the defendant's competitive advantage hereinbefore described and was done pursuant to the defendant's intention to monopolize prior run exhibition in certain localities.

The practice of over-buying product was in issue in a suit in equity in the Federal Court at Chicago<sup>40</sup> by the United States against Balaban & Katz Corporation and other Paramount subsidiaries operating theatres, as well as against all the major distributors. Apparently it was not necessary for the Government to rely solely upon a charge of monopoly of product by a producer-controlled circuit by separate agreements with distributors; the element of combination was present. On April 6, 1932, the court entered a final decree by consent, declaring illegal a conspiracy among the defendants to restrain and monopolize interstate trade in motion picture films, and enjoining them—

... from collusively, collectively, or by concert or agreement between them, formulating, adopting or practicing a policy—

(a) Whereby the supply of motion pictures distributed by defendant distributors is engrossed for exhibition in theatres owned, operated or controlled by defendant exhibitors in the territory served by the Chicago Exchanges; that is to say, whereby more motion pictures are bought for exhibition by said defendant exhibitors than is reasonably necessary for the proper conduct of their respective businesses in said territory for the purpose or with the intent of preventing competing unaffiliated exhibitors therein from obtaining said motion pictures.

(b) Whereby defendant exhibitors obtain the exclusive first choice of motion pictures distributed by defendant distributors in the territory served by the Chicago Exchanges; that is to say, whereby said defendant exhibitors are permitted to contract for the exhibition of such motion pictures distributed by defendant distributors as they may deem most profitable before the same have been offered to unaffiliated exhibitors in said territory for the purpose or with the intent of preventing said unaffiliated exhibitors from obtaining said motion pictures.

Usually, however, it has not been necessary for a producer-controlled circuit to prevent competing independent exhibitors from showing major films. Because the value of a picture depends in a large measure upon its novelty, the same result may be accomplished by delaying the delivery of films until their value has substantially disappeared. It is merely the difference between sudden death and slow torture. To this ingenious practice has been given the name "Protection."

EDITOR'S NOTE: *The next subject matter will be "Protection."*

<sup>40</sup>They will be treated hereinafter in the section relating to "Conspiracy to Boycott or Destroy Competitors," and, to a limited extent, under the topic "Protection."

<sup>41</sup>*Hood Rubber Co. v. United States Rubber Co.*, 229 Fed. 585.

<sup>42</sup>*National Cotton Oil Co. v. Texas*, 197, U.S. 115. The entire definition is quoted above in Section 3 "Admission Prices."

<sup>43</sup>*National Biscuit Co. v. Federal Trade Commission*, 299 Fed. 733, 738.

<sup>44</sup>*United States v. E. C. Knight Co.*, 156 U.S. 1, 16. *Northern Securities Co. v. United States*, 193 U.S. 197.

<sup>45</sup>*Swift & Co. v. United States*, 196 U.S. 375, 396.

<sup>46</sup>See Section 6 "Theatre Acquisition," particularly the portion referring to the Clayton Act.

<sup>47</sup>See note 36.

<sup>48</sup>These findings are *prima facie* evidence of the facts therein recited, and if not controlled by other evidence would be conclusive. It should be noted, however, that, although motions to recommit the report to the auditor and to strike out certain findings were denied by the court, no final judgment has been entered.

<sup>49</sup>*United States v. Balaban & Katz Corporation*, D.C. Ill. N. D., No. 8854, Equity. Other practices condemned by this decree are mentioned above in the sections relating to "Block-Booking" and "Theatre Acquisition." Other quotations will appear under the caption "Protection."

*Look over your files and if you find any copies missing let us know and we shall be glad to send you duplicate copies, free of charge.*

## THE NEW SEASON'S FORECASTER

In the second section of this week's HARRISON'S REPORTS you will find a comparison of what was said about the story material of some of the pictures that were announced last year and how they turned out.

You will notice that the accuracy is 85.76%. In other words, out of each ten pictures forecast, approximately eight and one-half turned out just as predicted.

Bear in mind that what is judged is not the finished script, but the material in-the-raw. In many instances alterations are made in the situations as well as in the characterizations. But the accuracy remains high, just the same.

The accuracy has been around that point in every one of the five seasons during which the *Forecaster* has been in existence.

You need the *Forecaster* just as you need HARRISON'S REPORTS. As a matter of fact, you need it much more, by reason of the fact that the *Forecaster* tells you the approximate quality of the pictures you are about to purchase before they are produced.

Many of you say to yourselves: "What is the use of my buying this *Forecaster* when I have to buy every picture a producer offers?"

A reasoning such as this is false: when the salesman tells you that a certain novel, magazine story, or stage play will make a "giant" picture, or "one of the greatest super-specials that have ever been produced in the industry," but you have read in the forecast that the material is not worth even putting into a picture, you place yourself at an advantage while talking to the salesman, even if you have to buy all his pictures. Without the information that is supplied by the *Forecaster*, you will have no way by which you may combat his inflated assertions. No salesman can help being brought down to earth when you present him with facts.

*Harrison's Forecaster* is just like an expert adviser; on diamonds, for example: When you want to buy an expensive diamond from a salesman who exaggerates the value of that diamond, how much safer your purchase will be if you have the advice of an expert, to tell you that that diamond is worth so much and no more!

Send your check with an order for a subscription at once. You will find the rates on the last page of the second section.

## THE ALLIED CONVENTION IN CLEVELAND

Allied States Association will hold its annual convention on June 4, 5 and 6, at the Hotel Hollenden, in Cleveland.

Mr. Nathan Yamins, President of Allied, has invited me to attend the convention to say something about the quality of the new season's product, as well as about what the majors promised for the season just ending and what they delivered.

I have promised to go; and if you are going I shall be glad to meet you there.

There will be addresses by some others, including W. F. Rogers, new general manager of distribution of Metro-Goldwyn-Mayer.

But all will not be work; there will be entertainment, and much of it, if I am to judge by the program H. M. Richey, business manager of Allied Theatre Owners of Michigan and one of the prominent national figures in exhibitor organization affairs, has sent me. Mr. Richey says that, on Wednesday afternoon, there will be a trip to New Terminal Tower, one of the "seven wonders" of the New World, to be followed by a sight-seeing expedition—for the ladies. In the evening there will be a special night-club party at the Mayfair Casino, one of the most beautiful night clubs in the middle-west (so friend Hendy says). This will not be an affair exclusively for the ladies. (If this affair is going to be anything like the affair Richey gave us in Canada across the border from Detroit several years ago, it is going to be a good one, I can assure you.)

Tuesday morning there will be a golf tournament. In the afternoon there will be a trip to Nela Park—to the plant of the General Electric Company. The banquet will be held that evening.

There is no need to talk about the other entertainments. Come and see for yourself, and enjoy them.



## HARRISON'S REPORTS

Vol. XVIII

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No. 21

## The Accuracy of the 1935-36 Season's Forecasts

One hundred and forty-eight novels, stage plays, or magazine stories were announced by the companies in the beginning of the 1935-36 season. Of these, fifty-seven have been produced up to the time this analysis was made.

The theory upon which this service has been founded is: (1) to place in the hands of the exhibitors, subscribers of the Forecaster, information that will enable them to judge the value of the product offered by a company, not by what the film salesman says, but by what the facts in the case of each picture are; and (2) to make recommendations to the producers for changes that may, if they should accept them, improve the material before it is put into screen-play form.

Though the accuracy of the forecasts has been anywhere from eighty-four to ninety percent from the very first season when this service was founded, no guarantee is offered to the subscriber that the picture will turn out as forecast. Invariably the producers alter the material, at times radically. And the forecast is founded on, as said, the material in the raw, and not as altered.

The following is a comparison of the forecasts made of these fifty-seven works with the quality of the finished pictures.

The reader must bear in mind, however, that these forecasts were founded on the material in the raw—before it was given treatment.

## PERCENTAGE OF ACCURACY

	Number of Pictures	Points	Percentage
Columbia .....	5	460	92.00%
MGM .....	6	580	96.66%
Paramount .....	8	630	78.75%
RKO .....	5	440	88.00%
Republic .....	3	280	93.33%
20th Century-Fox .....	9	720	80.00%
United Artists .....	3	230	76.66%
Universal .....	4	320	80.00%
Warner-First National	9	800	88.88%
	52	4460 (aver.)	85.76%

## Columbia

**CALLING OF DAN MATTHEWS.** The forecast said: "The book is trite . . . but Columbia has an opportunity to make with it a picture of a quality anywhere from good to very good." The finished product turned out fair. But very little of the book was used; the story is practically new. Accuracy 80%.

**CRIME AND PUNISHMENT.** The forecast said: "... it is not material for a picture. There is very little action. It will undoubtedly make a horrible melodrama, extremely realistic, but it is doubtful if it will be good entertainment." The picture turned out exactly as predicted. Accuracy 100%.

**ONE WAY TICKET.** The forecast said: "Unless some alterations are made in the characterizations as well as in the plot, it is unlikely that the picture will turn out any more than fair in quality." Alterations were made, but not in the right way. Consequently the picture turned out just fair. Accuracy 100%.

**THE ROAMING LADY.** The forecast said: "The material is fair and it should make a 'quicky'—from fair to fairly good." The picture turned out fair. Accuracy 100%.

**THE MINE WITH THE IRON DOOR.** The forecast said: "There is plentiful material for a fairly ex-

citing outdoor melodrama—from fairly good to good." The picture turned out fair. Accuracy 80%.

## Metro-Goldwyn-Mayer

**AH WILDERNESS.** The forecast said, "There is considerable human interest in the play, which fascinated New Yorkers; also comedy, of the 'Old Homestead' and 'Shore Acres' type, which deal with American home life . . . the material is only fair . . . With good direction and a capable cast, it should turn out a fairly good program picture." It turned out good. Accuracy 80%.

**ANNA KARENINA.** The forecast said that this story should make a picture anywhere from very good to excellent. It turned out very good. Accuracy 100%.

**THE BISHOP MISBEHAVES.** The forecast said that this play should make a picture of quality anywhere from fairly good to good. It turned out fairly good. Accuracy 100%.

**CHINA SEAS.** The forecast said: "Although the material is unpleasant in many parts, there is fast melodramatic action all the way through, and with such stars as Clark Gable, Jean Harlow and Wallace Beery the picture should draw well. The picture should turn out not only a virile entertainment but also a very good box office attraction." It turned out very good. Accuracy 100%.

**A TALE OF TWO CITIES.** The forecast said: "The material is excellent and with the care that MGM gives its outstanding productions there is no reason why it should not turn out an excellent picture." The picture turned out very good. Accuracy 100%.

**WIFE VERSUS SECRETARY.** The forecast said: "Weak material . . . the picture may turn out fairly good entertainment but better box office attraction, particularly because of the title." The picture turned out exactly as forecast. Accuracy 100%.

## Paramount

**ANYTHING GOES.** The forecast said that the picture should turn out anywhere from good to very good. It turned out only fairly good. Accuracy 80%.

**THE BRIDE COMES HOME.** The forecast said: "Fair comedy material, with some emotional situations here and there. Nothing is done either by the hero or the heroine to excite anybody . . . With good treatment Paramount might make a picture of a quality anywhere from fair to fairly good, with drawing powers depending on the popularity of Miss Colbert." The picture turned out good in quality. Accuracy 80%.

**HER MASTER'S VOICE.** The forecast said: "The material is good; it is more or less farce comedy, and since Bing Crosby will appear in it the picture should turn out of a quality anywhere from good to very good." But Bing Crosby was not in the cast. The picture turned out only fair in quality, but its box office results would have been as predicted had Mr. Crosby taken the leading part. Accuracy 80%.

**THE MILKY WAY.** The forecast said: "Since the material is good, Paramount should have no difficulty in making a picture anywhere from very good to excellent." It has turned out very good and the results at the box office have been anywhere from very good to excellent. Accuracy 100%.

**PETER IBBETSON.** The forecast said: "Paramount has a good piece of property in this play and, with Gary Cooper in the part of Peter, the picture should turn out anywhere from very good to excellent, both in entertainment and box office worth." The picture turned out excellent as a production, but it did poor at the box office. Accuracy 70%.



**ROSE OF THE RANCHO.** The forecast said: "Paramount intends to make a musical picture out of it . . . With these two singers (Gladys Swarthout and John Boles) the picture should turn out anywhere from very good to excellent." The picture turned out fair and "fopped" at the box office. Wrong 100%.

**SO RED THE ROSE.** The forecast said: "There is powerfully dramatic material in this Civil War story. Some of the situations are heart-breaking. . . . Although the material is powerful it is very sad. . . . There is no doubt that Paramount will make some alterations in the plot. If so, the picture should turn out anywhere from very good to excellent." The picture turned out very good. Accuracy 100%.

**THE CASE OF MRS. AMES.** The forecast said: "This murder mystery melodramatic material is the best that I have read in print or seen in pictures lately. It is weaved into a plot ingeniously, and has an air of originality about it. It manages to hold the reader's interest up to the end . . . the picture should turn out anywhere from very good to excellent." It has so turned out. Accuracy 100%.

## RKO

**FOLLOW THE FLEET.** The forecaster said: "As a straight romance, it should turn out anywhere from fairly good to good; as a musical comedy, it should turn out anywhere from very good to excellent." The picture was produced as a musical comedy, and although its quality turned out only good the box office results have been anywhere from very good to excellent. Accuracy 100%.

**HIS FAMILY TREE** (forecast as "Old Man Murphy.") The forecast said: "The picture should turn out anywhere from good to very good." It turned out only fair. Accuracy 60%.

**THE RETURN OF PETER GRIMM.** The forecast said: "Pictures dealing with the spirits of persons who died have invariably made box office failures. None of such pictures, however, were based on so pleasurable material as that of this play. Whether, however, this fact will make the present picture an exception remains to be seen . . . If handled well, it should turn out anywhere from very good to excellent." It turned out excellent as to quality, but it made only a fair success at the box office. Accuracy. 100%.

**SYLVIA SCARLETT.** The forecast said: "There is plentiful interesting as well as sympathy awakening material in these two novels, and if a wise choice of the best were made there is no reason why RKO should not make a picture of quality anywhere from very good to excellent, with box office results depending on the degree of Miss Hepburn's popularity in the different localities." The story written was altogether new, and it truly has been the worst that has ever been given to this star. The picture performed at the box office fairly well. But the *Forecaster* does not claim any credit in this case.

**TWO IN THE DARK** (forecast as "Two O'Clock Courage.") The forecast said: "The plot of this book is intricate. . . . There is no question that RKO will alter the plot as well as the characterizations so as to improve the material. Without such alterations the picture should turn out anywhere from fairly good to good, with box office possibilities anywhere from good to very good, because of Mr. Powell's personality." But William Powell did not appear in the picture; Walter Abel appeared in it. The picture turned out fair. Accuracy 100%.

**IN PERSON.** The forecaster said: "The material is fair and it should make a fairly good or good program entertainment." Unfortunately this forecast was stuck inadvertently at the tail end of the forecast for "Two O'Clock Courage" (same page-issue No. 9, back page.) So the forecast of "In Person" appeared without any opinion. This was corrected in a way in the appraisal of this company's 1935-36 product, printed in the August 31, 1935, issue of Harrison's Reports, where this material was appraised as follows: "From fairly good to good." The picture turned out fairly good entertainment, but its box office performance has been good. Accuracy 100%.

## Republic

**THE LEAVENWORTH CASE.** The forecast said: "The 'Leavenworth Case' has enough action, mystery and suspense to enable the producers to make a good murder mystery melodrama out of it." The producers made almost radical alterations in the plot; therefore the *Forecaster* deserves no credit for the fact that the picture turned out good.

**THE SPANISH CAPE MYSTERY.** The forecast said: "The usual murder-mystery stuff . . . it should make a picture of a grade anywhere from fairly good to good." The picture turned out fairly good. Accuracy 100%.

**TWO SINNERS** (forecast as "Two Black Sheep.") The forecast said that, with careful treatment it should make a picture from good to very good in quality. The picture turned out good. Accuracy 100%.

**THE HOUSE OF A THOUSAND CANDLES.** The forecaster said: "If produced well, it should turn out anywhere from fairly good to good." Nothing was taken from the book except the title, and although the picture turned out good the *Forecaster* takes no credit for it.

**THE HARVESTER.** The forecast said: "The material is too 'sugary.' With a change here and there it may make a fairly good picture." The story was altered and much money was spent in producing it; but it turned out only fair. Accuracy 80%.

## Twentieth Century-Fox

**NAVY WIFE** (forecast as "Beauty's Daughter.") The forecast said: "Considerable altering in the characterizations as well as in the plot will have to be made before this material will make an entertaining picture. As it now stands, it may make a fair to fairly good picture." It turned out fair. Accuracy 100%.

**DRESSED TO THRILL** (forecast as "The Dress-maker.") The forecast said: "The material is too dirty for cleansing and there is not a single decent thought in the mind of any of the characters . . . Poor." The material was cleansed thoroughly. But the picture did not turn out even fair—the story was too poor. Accuracy 100%.

**FARMER TAKES A WIFE.** The forecast said: "If the play is transferred to the screen without any loss of its charm, the picture should turn out anywhere from very good to excellent." A great deal of the charm was lost in the transfer and the picture turned out only fair. Accuracy 60%.

**STEAMBOAT 'ROUND THE BEND** (forecast as "Steamboat Bill.") The forecast said: "The material is fairly pleasant and a mild appeal is directed to the emotions of sympathy, but the Fox production department . . . as a rule improves (material given to Will Rogers). The picture should turn out anywhere from good to very good." It turned out good. Accuracy 100%.

**WAY DOWN EAST.** The forecast said: "The material is old-fashioned and hardly in keeping with the taste of the present-day picture-goers. There is nothing new or novel about it—nothing that would inspire the picturegoers . . . I fear that the quality of the picture will not be more than fairly good, or good, with slightly better box-office possibilities." The picture turned out of fair quality. Accuracy 100%.

**YOUR UNCLE DUDLEY.** The forecast said: "It should make a fairly entertaining comedy, of program grade." The picture turned out exactly as predicted—a fair comedy of program grade (but poor at the box office.) Accuracy 100%.

**KING OF BURLESQUE** (forecast as "A Lady Regrets.") The forecast said: "The material is good and with skillful treatment it can be made either very good or excellent." This fine material was dropped and in its place was adapted material that has no connection with the Delmar story; it is of back stage variety. It is manifest that the producers tried to reproduce "Forty-Second



Street." The picture, with the new story, turned out fairly good, but did very good at the box office. The *Forecaster* is not entitled to any credit.

**SONG AND DANCE MAN.** The forecast said: "The material is very good and the picture should turn out anywhere from good to very good." The picture turned out fair. Accuracy 60%.

**A MESSAGE TO GARCIA.** The forecast said: "There is in this essay no material for a talking picture, and no basis on which to build. An entirely new story has to be written around the title." The story revolves around the essay, and, although the picture turned out only fairly good, Twentieth Century-Fox made a very good job out of this ordinary material. The forecast this time missed it altogether. Wrong 100%.

**UNDER TWO FLAGS.** The forecast said: "Fox has a marvellous piece of property in this old novel. If it should handle it well, it may make a picture bigger than even 'Beau Geste.' It would be a pity if Fox did not make an excellent picture out of this material." The picture has turned out excellent, so far as the technical work is concerned, and because of the three stars it is showing excellent results at the box office; but it is only fairly good entertainment, for the reason that the beginning of the story, which is the one that endears the hero to the reader, was left out. Accuracy 100%.

### United Artists

**BARBARY COAST.** The forecast said: "The best this material may do is a picture anywhere from fairly good to good." The picture, based on an entirely new story, turned out good, but the box office results were very good. Accuracy 60%.

**MELODY LINGERS ON.** The forecast said: "United Artists has a fine piece of property in this book, and with skillful direction it should make a healthfully sentimental picture of a quality anywhere from very good to excellent." The picture turned out only fairly good. Accuracy 70%.

**DARK ANGEL.** The forecast said: "The story reveals nobility of character of the highest order, and with the advance in the technique of production there is no reason why Mr. Goldwyn should not make a picture even better than the silent version. It is excellent story material and should make an excellent picture." The picture turned out excellent entertainment, and has had excellent results at the box office. Accuracy 100%.

### Universal

**EAST OF JAVA.** The forecaster said that this story material, if handled well, should make an animal melodrama anywhere from good to very good. The picture turned out a fair program melodrama. Accuracy 80%.

**GREAT IMPERSONATION.** The forecast said: "The material is fine and should make an espionage melodrama of a quality anywhere from good to very good." It turned out fair. Accuracy 60%.

**LOVE BEFORE BREAKFAST** (forecast as "Spinster Dinner"). The forecast said: "The material is only fairly good." The picture turned out exactly as forecast: Accuracy 100%.

**HIS NIGHT OUT.** The forecast said: "The material is excellent and if properly cast there is no reason why the picture should not turn out anywhere from very good to excellent." The story was changed completely, and even though "Skinner's Dress Suit," which was the title given to "His Night Out," is excellent, since it has made an excellent picture twice before, the Forecaster refrains from claiming any credit.

**REMEMBER LAST NIGHT** (forecast as "Hang-over Murders.") The forecast said "Universal has a good piece of property in this book and with good treatment it should make a murder mystery melodrama of a quality anywhere from good to very good." The picture turned out fairly good. Accuracy 80%.

### Warner-First National

**CAPTAIN BLOOD.** The forecaster said that the material in this book offers good opportunities, and that the picture is worth buying. The picture turned out excellent. Accuracy 80%.

**THE CASE OF THE LUCKY LEGS.** The forecaster predicted a picture of a quality from fairly good to good. It turned out fair. Accuracy 80%.

**CEILING ZERO.** The forecast declared the material thrilling but recommended certain alterations. It stated, however, that because of the presence of Cagney the picture would draw no matter whether the alterations were made or not. Some alterations were made and the picture not only turned out thrilling but drew well at the box office. Accuracy 100%.

**DR. SOCRATES.** The forecaster said: "The material is powerful and should make a thrilling gangster picture"; and it predicted that with Paul Muni in the leading part it should make a very good or even excellent box office success. The picture turned out only good. Accuracy 80%.

**MURDER OF DR. HARRIGAN** (forecast as "From This Dark Stairway.") The forecast said: "It should make a murder mystery melodrama anywhere from good to very good." The picture turned out fairly good. Accuracy 80%.

**MISS PACIFIC FLEET.** The forecaster said that this was fairly amusing material, which should make a fairly good or good farce comedy. The picture turned out a good farce comedy. Accuracy 100%.

**PAGE MISS GLORY.** The forecast said: "The material is fairly exciting and comical. But since the basis of the story is deception no great results may be expected out of it. If Marion Davies should appear in the leading part, as announced, the picture should turn out from good to very good." Miss Davies did appear in it, and the picture turned out fair in quality, and did fairly well at the box office. Accuracy 80%.

**PETRIFIED FOREST.** The forecast said: "It is doubtful if this material will make a success in proportion to the success made by the play. In all likelihood it will make a picture for the classes . . . With Leslie Howard in the leading part, the picture should turn out good." The picture had Mr. Howard in the leading role, and turned out artistic. But it went over only with the classes; the masses were bored with it. Accuracy 100%.

**STARS OVER BROADWAY** (forecast as "Thin Air.") The forecast suggested some alterations which, if made, would make a good picture. Proper alterations were not made, and the picture turned out only fair. Accuracy 100%.

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### Forecasts Made in the 1934-35 Forecaster But Released during the 1935-36 Season

**EIGHT BELLS** (Columbia): The forecast said: "Since the doings of the unsympathetic character, Dale, stand in the foreground, and those of the sympathetic characters are subordinated, it will be necessary for Columbia to alter the plot somewhat in order that the picture may turn out more than a fair melodrama . . . with such changes, the picture may turn out very good; without them, it may turn out anywhere from fair to fairly good." The picture turned out fair. Accuracy 100%.

**A FEATHER IN HER HAT** (Columbia): The forecast said: "If the writer to whom Columbia will entrust this material knows his business, he will be able to get the best out of it [the abundance of material, good and poor,] and put it into shape that will enable the director to make a very good, or at least good, picture out of it. It all depends on such a writer." The picture turned out only fairly good, because full advantage was not taken of the opportunities. Accuracy of forecast 80%.

**MUTINY ON THE BOUNTY** (MGM): The forecast said: "It should make a pretty big picture." Accuracy. 100%.



**FRECKLES (RKO):** The forecast said: "Since lack of literary merit does not disqualify a book for a talking picture, 'Freckles' should make a very good romantic picture, of the cheerful and tenderly pathetic sort, because the material lends itself for a picture of that kind. But it would prove more satisfying if Freckles had both his hands." RKO departed from the book and allowed the hero (Freckles) to retain both arms. The picture turned out pretty good. Accuracy 80%.

**SHE (RKO)** The forecast said: "RKO will, no doubt, produce a spectacle. But it is doubtful whether it will have a mass appeal. . . . It is a risk." The picture was spectacular. But its success at the box office has been poor. Accuracy 100%.

**THE LAST DAYS OF POMPEII (RKO):** The forecast said: "The material is spectacular . . . offers an opportunity for strong melodrama . . . should make a highly successful picture." As far as the production is concerned, the forecast proved 100% accurate. But the picture did not prove successful at the box office. Accuracy 50%.

**THE THREE MUSKETEERS (RKO)** The forecast said: "There is no question that RKO will make a costume play anywhere from excellent to good. It intends to produce it in natural colors, by the same three-color process that it produced 'Cucaracha,' its two-reel subject. The color in that picture was gorgeous." The picture was not produced in natural colors, and although the production was very good, it made only a fair success at the box office. Accuracy 70%.

**MAGNIFICENT OBSESSION (Universal):** "There is no question that Universal can make a human interest picture out of this book . . . 'Magnificent Obsession' should make a drama of a grade anywhere from very good to fairly good." The picture turned out excellent. Accuracy 80%.

**I'VE BEEN AROUND (Universal):** The forecast said: "Anywhere from very good to fairly good." The picture turned out poor. Inaccuracy 100%.

**SHOW BOAT (Universal):** The forecast said: "There is every likelihood Universal will make a pro-

duction that will be a credit to the business. Get it!" The picture has turned out excellent. Accuracy 100%.

**SUTTER'S GOLD (Universal):** The forecast said: "The material is too tragic for a picture. And none of the action is more than of passing interest. The character of Sutter is not so sympathetic, either . . . the material can make a pretty good picture; but it cannot make a great picture." The picture turned exactly as predicted. Accuracy 100%.

**THE RAVEN (Universal):** The forecast said: ". . . shudder type of material . . . I doubt if Universal can do anything with it." The picture turned out poor. Accuracy 100%.

**OIL FOR THE LAMPS OF CHINA (Warner-First National):** The forecast said that the picture should turn out anywhere from fair to fairly good. It turned out fairly good. Accuracy 100%.

**RENDEZVOUS (forecast as "American Black Chamber"-MGM):** The forecast said: "It is probable that MGM will make an espionage picture anywhere from good to very good." It turned out very good. Accuracy 100%.

**WHIPSAW (MGM):** The forecast said this detective-crook melodrama should turn out anywhere from fairly good to good. It turned out fairly good. Accuracy 100%.

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### Anti-Trust Litigation in the Motion Picture Industry—No. 7

By George S. Ryan

#### (8) PROTECTION

Since the acquisition of theatres by producers there has grown up in the industry a practice known as "protection." This may be defined as an undertaking by a distributor, in licensing the exhibition of a film in a theatre, that it will not permit the exhibition of that film within a specified contiguous area for a stipulated period of time after the last exhibition in said theatre. The area of protection is designated as the "zone"; the period of time as the "clearance." Because of its unsavory connotation the term "Protection" has come into disrepute, and in recent years the practice has been frequently designated as "zoning and clearance."

In its essentials Protection is merely a method of giving a producer-owned theatre protection from competition. Generally it has been based, either wholly or in part, upon the admission prices of theatres in a specified area, the protection demanded and received, both in time and in territory, being greater against low-priced houses than against theatres charging higher admission prices.

This practice has resulted in no little hardship to independent exhibitors, who have claimed, with some justification, that it injures the subsequent-run house more than it aids the first-run theatre or the distributor. It has therefore been a storm center of controversy and litigation.

The practice of establishing protection by agreement between distributors and producer-controlled theatres has been successfully challenged several times by the United States Government. It secured an indictment in the United States Court at Los Angeles against a number of defendants. In 1930, however, before the case came to trial, an agreement was made which resulted in the dismissal of the indictment, the filing by the Government of an equity suit against Fox-West Coast Theatres and the major distributors, and the simultaneous entry of a consent decree,<sup>57</sup> providing in part as follows:

2. That the combination and conspiracy to restrain and monopolize interstate trade and commerce in motion picture films as described in the petition herein is hereby declared illegal and in violation of the . . . Sherman Anti-Trust Act.

3. That the defendants and each of them, . . . be and they hereby are perpetually enjoined and restrained from carrying out, directly or indirectly, by any means whatsoever, the conspiracy described in Paragraph VI of the petition herein, and from entering into or carrying out, directly or indirectly, such conspiracy.

4. That the defendants . . . be enjoined from collusively, collectively or by concert or agreement—

a. Excluding or attempting to exclude said unaffiliated exhibitors from contracting in the course of the aforesaid interstate trade and commerce in motion picture films for films to exhibit first or second run or first suburban run in the City of Los Angeles, California, and in other cities and towns in the southern half of the State of California.

b. Excluding or attempting to exclude said unaffiliated exhibitors from contracting in the course of the aforesaid interstate trade and commerce in motion picture films for films to exhibit in competition with exhibitions thereof by said defendant, Fox-West Coast Theatres; . . .

d. Enforcing or attempting to enforce clearance schedules providing for unreasonable and discriminatory clearances. . . .

In addition to prohibiting the conspiracy among the defendants to prevent double features and give-aways, the decree enjoined the defendants—

from taking concerted and agreed action to prepare, publish, adopt, attempt to enforce, or enforcing any uniform plan, system or schedule of zoning and/or clearance with the intent or for the purpose of unreasonably—

excluding unaffiliated exhibitors from contracting for first or second run films, or from contracting for films in competition with the defendant Fox-West Coast Theatres, or from giving Fox Theatres arbitrary and unreasonable protection or clearance over theatres of unaffiliated exhibitors.

Later the United States filed a similar petition against substantially the same defendants. On November 16, 1932, a consent decree was entered,<sup>58</sup> enjoining the defendants from carrying out the conspiracy alleged in the petition, and also—

from preparing, publishing, adopting, enforcing or attempting to enforce any uniform plan, system or schedule of zoning, clearance or protection—

whereby Fox Theatres receiving protection based on admission prices—

are thereafter permitted to reduce the said admission prices of said first run theatres to the point where the difference between the admission prices charged by said first run theatres and said second run theatres is less than that upon which said additional periods of protection were computed—

without shortening the periods of protection; and whereby second run theatres are prevented from increasing their admission prices and thereby decreasing protection against them.

The decree also enjoined any two or more of the defendants, when acting either as distributors or as exhibitors, from adopting or attempting to enforce any uniform plan, system or schedule of zoning, clearance or protection whereby theatres owned, operated or controlled by defendant theatre company should receive unreasonably long periods of protection or unreasonable zoning privileges over theatres owned, operated or controlled by competing unaffiliated exhibitors.

Protection in the vicinity of Los Angeles was the subject-matter of an action at law in the same court against the major distributors for damages due to loss of profits and the loss of the plaintiff's theatres. In *First National Pictures, Inc. v. Robison*,<sup>59</sup> decided in 1934, the Circuit Court of Appeals for that Circuit, after describing some of the industrial practices, used the following language:

The plaintiff contends that the defendants act in concert in selling exhibition rights of their respective films and that films cannot be had from any of the defendants except in accordance with the zoning agreement, while the defendants claim that the zoning is voluntary and that compliance with such zoning is not only optional with each producer, but that in fact all have not conformed thereto. These respective claims were presented in evidence and to some extent were resolved by the verdict of the jury.

The verdict, which resolved the claims, was for the plaintiff, Mrs. Robison. On it the court entered judgment for a sum in excess of \$35,000. The Circuit Court of Appeals reversed the judgment, however, on the ground that the plaintiff was not damaged by zoning, but by the failure of the defendants to continue in effect the zoning plan which she claimed was illegal; and that if the plan were illegal she had no right to insist upon its continuance. The court

(Continued on last page)



### "Nobody's Fool" with Edward Everett Horton and Glenda Farrell

(Universal, May 31; running time, 62 min.)

Fair program entertainment—a typical Edward Everett Horton comedy, in which he bumbles matters, only to have everything turn out satisfactorily in the end. The situation showing him threatening Cesar Romero, a tough racketeer, without realizing who he is, should provoke hearty laughter. The story, although silly, being farcical, has been woven together very intelligently. One cannot help laughing at the embarrassments Horton causes himself by his naivete. At one time he arrives at an important meeting of the real estate board hoping to find there a man who had once promised him a job. At that meeting he is mistaken for a noted economist, and accepts the applause, which he thought was meant for him, and proceeded to make a good speech. His innocent connection with a gang of racketeers is the cause for more laughter. He follows their bidding, but goes even further than he had been ordered, and, to the surprise of all concerned, brings about a profitable and legitimate real estate deal, thereby reforming the crooks. He awakens the spectator's sympathy by his idealism. The romance between him and Glenda Farrell, one of the gang, is developed in the routine manner—at first she considers him a fool, but his idealism reforms her and she falls in love with him.

Frank M. Dazey and Agnes C. Johnston wrote the story, and Ralph Block and Ben Markson the screen play. Arthur Greville Collins directed it, and Irving Starr produced it. In the cast are Frank Conroy, Clay Clement, Warren Hymer, Henry Hunter, and others.

Suitable for all. *Class A.*

### "The Last Outlaw" with Harry Carey

(RKO, June 12; time, 69½ min.)

Very good. It is an entertaining comedy-melodrama, with a Western background, and a plot different from the usual run of Westerns. The comedy is provoked by Harry Carey, who, after having spent twenty years in prison, finds it difficult to understand modern ways and the indifference which people showed him, the last of the famous outlaws. He does excellent work, making the character believable and likeable. The closing scenes, in which he is shown fighting on the side of the law, capturing a gang of criminals and rescuing his daughter, are exciting; they are also amusing, because of the way Carey treats Russell Hopton, the incompetent, publicity-seeking Sheriff. The romance between Margaret Callahan and Hoot Gibson is pleasantly developed:—

Carey, after twenty years' imprisonment on a bank robbery conviction, is freed and returns to his home town. The first person he visits is an old pal, Henry Walthall, the former Sheriff and now Hopton's under-Sheriff, who gives him information about Miss Callahan, his daughter. Carey and Gibson become good friends after Gibson helps him beat up a gang of card cheats. Miss Callahan and Frank Thomas, her foster father, a doctor, treat Harry Jans of a gun wound. Tom Tyler, the gangster leader, shoots Thomas when he threatens to report the case to the police. He then forces Miss Callahan to accompany them in their car; they rob a bank and flee to a mountain hideout, still holding Miss Callahan as their prisoner. Carey and Gibson, who had been at the bank arranging for a loan, give chase to the fleeing car, followed by Sheriff Hopton and his men. Hopton, because of Carey's record, insists on arresting him as leader of the gang. Walthall, knowing that Carey is innocent and that he could be helpful in locating the criminals, lets him out of jail. The two men, together with Gibson, find the gang's hideout and by clever work kill the gangsters and capture their leader, rescuing Miss Callahan. She is happy to learn that Carey is her father. She accepts Gibson's marriage proposal. Carey is made an assistant to Walthall.

John Ford and E. Murray Campbell wrote the story, and John Twist and Jack Townley the screen play. Christy Cabanne directed it and Robert Sisk produced. In the cast are Ray Mayer, and others.

Suitable for all. *Class A.*

### "Green Pastures"

(Warner Bros., Rel. date not set; time, 91 min.)

In adapting this from the successful stage play, nothing has been done to spoil the simple charm and beauty of the material. It is an outstanding production, a touching picturization of the negro's conception of God, heaven, and the meaning of the Bible. How it will fare at the box-office, however, is another matter, for what proves a novelty on

the stage may not necessarily prove a novelty on the screen. The picture is certain to delight high class audiences, because of its lack of pretense and of its noble and inspiring theme. But for the masses there are a few drawbacks—the lack of star names and the fact that the cast is all-Negro. Its religious theme has been handled in an altogether human way. For instance, the situation in which De Lawd visits Noah and tells him to prepare his Ark for the flood, is both touching and comical: Noah, although awed by the presence of De Lawd, argues with him about the advisability of taking along two kegs of whiskey instead of one.

The story opens in a Sunday school in a small Negro town, where George Reed, the teacher, starts to tell the children the story of the Bible. The words fade into action, which starts off by showing how pleasant is Heaven. The Negro people have wings, there are fish-frys and ten cent cigars, and every one sings and is happy. It shows the creation of Adam and Eve, and De Lawd's eventual sorrow at the evil ways of the people on the earth. He is so disgusted with what he sees that he dooms the earth, saving only Noah, his family, and the animals. A long time passes before De Lawd visits the earth again. The sights again disgust him. He delivers the people of Israel from Pharaoh. Soon De Lawd is again dissatisfied—the wickedness in Babylon is the cause of it. He is wrathful and denounces the people. But his faith is restored when he talks to Hezdrel, a noble warrior. De Lawd realizes he should be more merciful. His people in Heaven, looking down on the earth, tell Him how men are nailing some one to a cross. This fills De Lawd with compassion.

Marc Connelly wrote this fable for the stage from stories by Roark Bradford. He and William Keighley directed it and Henry Blanke produced it. Rex Ingram, in the parts of De Lawd, Adam, and Hezdrel, gives an outstanding performance, and is well supported by Oscar Polk, in the role of Gabriel, and others.

Morally suitable for all. *Class A.*

### "Three Wise Guys" with Robert Young and Betty Furness

(MGM, May 15; time, 73½ min.)

A fair comedy-melodrama, of program grade. The story is far-fetched but amusing. Although it revolves around crooks, it is not so objectionable, because their actions are treated in more of a comedy vein; and because they eventually reform. Betty Furness (heroine), one of the gang, is an unpleasant character at first; her reformation and good nature in the face of adversity eventually awaken one's sympathy. The situation in which Raymond Walburn and Bruce Cabot, her former accomplices, find her in a barn, alone and about to give birth to her child, is touching. The romance between Miss Furness and Robert Young, which is the cause of her reformation, is developed in a gay and breezy style and is pleasant. Walburn provokes much laughter by his assumed manners and by the way he bluffs people:—

Miss Furness, working with Walburn and Cabot, attracts Young's attention by pretending to faint on a train because of hunger owing to lack of funds. He befriends her and falls in love with her. Instead of suing him for breach of promise as her confederates had planned, she marries him, much to their disgust. Thurston Hall, Young's millionaire father, cuts Young's allowance and tells him to fend for himself. After a wild honeymoon during which they spend all their money, they settle down to farm life; they are compelled to live in a barn when the old farmhouse burns down. Young finally obtains employment as a clerk. Walburn and Cabot, who had recognized Harvey Stephens, the manager of the firm where Young was employed, as an old jail mate, blackmail him. He arranges to leave bonds in the safe, which they are to open at night. He asks Young to work that night so as to involve him in the crime. The theft is carried out by crooks hired by Walburn. Young is arrested, but he refuses to disclose his identity. A few weeks later Cabot and Walburn, in company with the safe cracker, go to the barn where the bonds had been hidden. There they find Miss Furness. Hearing of Young's arrest, and moved by the birth of Miss Furness' child, they return the bonds and Young is freed. His father, pleased at his son's development, insists that the young couple and their child live with him.

Damon Runyon wrote the story, and Elmer Harris the screen play. George B. Seitz directed it, and Harry Rapf produced it. In the cast are Donald Meek, Herman Bing, Harry Taylor, and others.

Not quite suitable for children or Sundays. Adult entertainment. *Class B.*



### "Three of a Kind" with Evalyn Knapp and Chick Chandler

(*Invincible*, May 5; time, 74½ min.)

A pretty good comedy. The plot is somewhat novel and holds one in suspense throughout. What amuses one mostly is the fact that Richard Carle, Miss Knapp's father, mistakes the fortune-seeking Bradley Page, whom he wanted to separate from his daughter, for another man, and urges him to pay attention to Miss Knapp and to marry her. This mistaken identity causes many amusing complications. Berton Churchill, a crook posing as a millionaire Southern Colonel, owner of tobacco plantations, provokes much laughter when he tries to make people believe he is a big business man. The spectator is amused when Churchill picks as his victims Page and Chick Chandler, without realizing that they both were penniless, likewise pretending to have wealth:—

Miss Knapp, against her father's wishes, wants to marry Page, a scheming fortune-hunter. She so believes his plans about a real estate development that she tries to get her father interested in it. Page telephones her that he is stuck at an expensive resort, unable to pay the bill. She goes to him, pays the bill, and gives him money besides. To this hotel goes Chandler, a former delivery clerk in Miss Knapp's father's laundry, who had won \$1,000 for good work; he had quit his job, his intention being to buy a car and fashionable clothes, mingle with wealthy people, and try to make a good business contact. Churchill and his daughter visit the same resort, using as funds the money they had received from Chandler's agent for the sale of a car that did not belong to them; it was Miss Knapp's. When Carle arrives at the hotel he bungles matters further by branding Chandler, whom he had mistaken for Page, as a crook. Everything is brought to light. By this time Miss Knapp had fallen in love with Chandler, and Page, thinking Churchill to be a millionaire, marries his daughter. Carle apologizes to Chandler and promises to take him into his business.

Arthur T. Horman wrote the story and screen play. Phil Rosen directed it and Maury M. Cohen produced it. In the cast are Patricia Farr and others.

Suitable for all. *Class A.*

### "Fatal Lady" with Mary Ellis and Walter Pidgeon

(*Paramount*, May 15; time, 75½ min.)

Good melodramatic entertainment, with a general appeal. For high class audiences, there is good music of both the operatic and more popular type, and for the masses, there is an absorbing murder mystery, which keeps one guessing until the very end. The two have been cleverly combined, the music adding to the dramatic values of the plot. One feels deep sympathy for Mary Ellis, who, through no fault of her own, is the cause of the death of men who love her. One is held in tense suspense in the closing scenes, knowing that an attempt would be made by the murderer to kill Walter Pidgeon, the man whom Miss Ellis really loved. The capture of the murderer is thrillingly contrived; his identity comes as a surprise:—

Miss Ellis, on the day of her debut in grand opera, is questioned by police with reference to a friend's death. This proves so upsetting that on the opening night she is unable to sing a note. She runs away from the city, and becomes connected with a travelling opera company. Guy Bates Post, the conductor, has so much faith in Miss Ellis' ability that he begs her not to give up her art. Norman Foster, a wealthy South American, follows Miss Ellis from town to town pleading with her to marry him, but she refuses. He introduces her to Alan Mowbray, a wealthy plantation owner, who falls in love with her and proposes. While at a party at Mowbray's home, he and Miss Ellis go to his library; there he is mysteriously killed while he and Miss Ellis were jokingly performing a scene from an opera. Miss Ellis is accused of the murder, but proves her innocence and is freed. She goes to Paris with Post, the company manager, and his wife, where she sings at a night resort. Foster still follows her. Pidgeon, Foster's brother, arrives at Paris with the intention of buying Miss Ellis off, for he does not believe that she was sincere when she begged him to take Foster away. Foster is killed. Pidgeon, determined to clear up the mystery, tells Miss Ellis to introduce him as her husband-to-be and thus lure the murderer on. The plan works and the murderer is disclosed as Post; he had committed the murders to keep Miss Ellis from marrying Pidgeon, by this time in love with Miss Ellis, begs for forgiveness and proposes; he is accepted.

Harry Segall wrote the story, and Samuel Ornitz the screen play. Edward Ludwig directed it and Walter Wanger produced it. In the cast are Ruth Donnelly, Edgar Kennedy, John Halliday, and others.

Because of the murders it is hardly suitable for children. Good for adults. *Class B.*

### "Half Angel" with Frances Dee and Brian Donlevy

(*20th Century-Fox*, May 29; time, 66 min.)

Good entertainment! It is a conglomeration of murder-mystery, comedy, and romance—all tied up with the actions of an insane person. In spite of the fact that the insanity angle is treated more or less in a comedy fashion, sensitive people may dislike watching the antics of one whose derangement causes him to commit murder. Aside from this, the picture should satisfy the masses, for the action is fast, and there is plentiful comedy; also the plot is mystifying, the identity of the murderer not being divulged until the end. The romance is developed pleasantly:—

When Frances Dee is freed of the charge of murdering her father by poisoning him, she is befriended by Helen Westley and her professor husband (Henry Stephenson). Miss Dee, believing that Brian Donlevy, a newspaper reporter, had been kind to her because he loved her, refuses to see him when she learns that he wants her to give him an exclusive story for his newspaper. Miss Westley dies from poisoning and Miss Dee is arrested, charged with the murder. Donlevy, knowing that Miss Dee was innocent, sets out to clear her name. He eventually proves that the murders of both Miss Dee's father and Miss Westley had been committed by Etienne Girardot, Stephenson's insane brother, at different times when he had escaped from the asylum. He also proves that Stephenson was involved in his wife's death, his motive being to inherit all her money before she distributed it to charities. Miss Dee, happy at being cleared of the murder charges, forgives Donlevy and promises to marry him.

F. Tennyson Jesse wrote the story; Bess Meredyth, Gene Fowler, and Allen Rivkin the screen play; Sidney Lanfield directed it, and Kenneth Maegowan supervised its production. In the cast are Charles Butterworth, Sara Haden, Paul Stanton, Gavin Muir, and others.

Because of the murders and insanity angle it is hardly suitable for children or adolescents. Good for adults. *Class B.*

### "The Law in Her Hands" with Margaret Lindsay, Glenda Farrell and Warren Hull

(*First Nat'l*, May 16; running time, 57 min.)

A breezy comedy-melodrama of program grade. The battle of wits between Margaret Lindsay, woman attorney, and Warren Hull, assistant District Attorney, forms the basis for several fairly exciting courtroom scenes in which they participate. The closing scenes, in which Miss Lindsay hands Lyle Tablot, a racketeer, over to the court, despite threats of murder, are exciting. Glenda Farrell, as Miss Lindsay's partner, and Eddie Acuff, as a process server who receives many bruises because of his work, provoke laughter by their flippant remarks and actions. The courtroom tricks shown being used by lawyers to win their cases are not particularly edifying for adolescents. The romance between Miss Lindsay and Hull is somewhat pleasant, if not exciting:—

Hull, assistant District Attorney, tries to convince Miss Lindsay, whom he loves, that the law profession is not for a woman. She feels that before she gives it up she must have a "fling" at it. When she loses her first case because of a trick used by the opponent-attorney, she decides to adopt similar tactics. She takes as a client Talbot, a notorious racketeer, and by clever handling of his law work she becomes famous. Hull, disgusted at the work she was doing, breaks their engagement. Miss Lindsay refuses to represent Talbot when he is indicted on a charge of poisoning milk that killed several persons. He threatens to kill both her and Hull unless she thinks of some way of winning the case. She puts up a brilliant fight for her client, only to turn on him in the end and reveal to the court that he is the guilty party. Ashamed of the work she had been doing, she makes an application for her own disbarment, which is granted. She then marries Hull.

George Bricker wrote the story, and he and Luei Ward the screen play. William Clemens directed it and Bryan Foy supervised. In the cast are Al Shean, Joseph Crehan, Dick Purcell, and others.

Not for children or adolescents. Suitable for adults. *Class B.*



expressly declined to pass "upon the validity of the method of zoning adopted by the parties."

A petition in equity was brought by the United States in the Federal Court at Chicago against Balaban and Katz Corporation and other Paramount subsidiaries operating theatres, and all the major distributors, to enjoin a number of illegal practices, including monopoly of product and protection.<sup>60</sup> On April 6, 1932, a final decree was entered by consent in part as follows:

V. The conspiracy to restrain and monopolize interstate trade and commerce in motion picture films described in the amended and supplemental petition herein is hereby declared illegal and in violation of . . . the Sherman Anti-Trust Act.

VI. The defendants and each of them . . . be, and they hereby are, perpetually enjoined and restrained from carrying out, directly or indirectly, expressly or impliedly, by any manner whatsoever, the conspiracy described in the amended and supplemental petition herein and from entering into or carrying out, directly or indirectly, expressly or impliedly, any similar conspiracy of like character or effect in the Chicago Exchange territory.

VII. The defendants and any two or more of them, when acting as distributors of motion pictures in the Chicago exchange territory in such instance, or the defendants and any two or more of them, when acting as exhibitors of motion pictures in the Chicago exchange territory in such instance, or the defendants and any two or more of them, when one or more is acting both as a distributor and an exhibitor in the Chicago exchange territory in such instance, their respective officers, agents, servants, employees and all persons acting or claiming to act on behalf of them or any of them, be enjoined from collusively, collectively, or by concert or agreement:

restricting the course of defendants' trade and commerce in motion picture films distributed by defendant distributors for first run exhibition in the Chicago exchange territory to motion picture theatres managed or booked by any one or more of defendant exhibitors; preventing unaffiliated exhibitors from securing first-run films, or from securing films before their exhibition value had been lost; preventing unaffiliated exhibitors in competition with theatres of defendant exhibitors from contracting for first run prior to or at the same time as the first run exhibition of the film in defendants' theatres;

(f) Acquiring the management or booking control without a substantial proprietary interest therein, of substantially all first class, first run motion picture theatres—in Chicago and in the territory served by that exchange;

(g) Granting to motion picture theatres, owned, operated or controlled by defendant exhibitors in the territory served by the Chicago Exchanges, arbitrary or unreasonable protection or clearance over competing theatres owned, operated or controlled by unaffiliated exhibitors.

The decree also contained provisions, which have already been discussed, in regard to block-booking of features, the forcing of news-reels and shorts,<sup>61</sup> and the monopoly or engrossment of product.<sup>62</sup>

The establishment of protection by agreement among distributors was definitely branded illegal by Judge Munger in the United States District Court for the District of Nebraska in the *Youngclaus Case*.<sup>63</sup> There it appeared that a written agreement had been entered into by the distributors and a number of exhibitors in the Omaha territory, prescribing areas and periods of protection. The court said:

Whatever may be the right of the distributors separately and individually to license the exhibition of pictures by contracts giving to the licensees the exclusive right of exhibition for a period of time, a combination of distributors, such as exists here, controlling a large part of the trade in interstate commerce, to refrain from competition among themselves in making such licensing agreements with exhibitors, by agreeing that they will each grant a substantial period of protection to one exhibitor over a rival distributor in competitive territory, is an unreasonable restraint of interstate trade, and is condemned by the anti-trust laws of the United States.

The plaintiff is entitled to the right to bargain with distributors who are free from a combination among

themselves not to bargain with the plaintiff unless he shall consent that his rival shall have had the first opportunity to exhibit a picture.

This opinion swept away all uncertainty, and applied to the practice of protection in the motion picture industry the doctrine that had been enunciated by the Supreme Court in the *Arbitration and Credit Cases*,<sup>64</sup> and that had been generally applied by the United State courts in construing the Sherman Anti-Trust Law.

The decision is clear and intelligible, and undoubtedly states good law. For that reason, probably, no appeal was taken by the distributors.

<sup>61</sup> *United States v. Fox-West Coast Theatres, et al*, D.C. S.D. Cal. C.D., No. S-10-C Equity. Extracts from this decision are set out above under the caption "(4) Double Features."

<sup>62</sup> *United States v. Fox-West Coast Theatres, et al*, D.C. S.D. Cal., C.D., No. Y-38-H Equity.

<sup>63</sup> 72 F. (2d) 37.

<sup>64</sup> *United States v. Balaban & Katz Corp.* D.C. N.D. Ill., No. 8854. Equity.

<sup>61</sup> See above, "(5) Block-Booking."

<sup>62</sup> See above, "(7) Monopoly of Product."

<sup>63</sup> *Youngclaus v. Omaha Film Board of Trade*, 60 F. (2d) 538. The trade journals report that the plaintiff later brought an action at law for triple damages, which was settled without trial for a substantial sum.

<sup>64</sup> See above, "(2) Standard Contract; Arbitration and Credit."

## METHOD IN PRODUCER "MADNESS"

According to the trade press, the so-called Trade Practices Conference conducted between leaders of Motion Picture Theatre Owners of America and the major producer-distributors, has been suspended to be resumed on June 3.

There is no reason why these conferences should have been interrupted at this time, and HARRISON'S REPORTS assumes that they have been interrupted by design: Allied States is holding its convention for three days beginning June 3, and it seems as if the major companies, in order to offset any impression that might be created by whatever action the independent exhibitors may take in Cleveland, plan to make some kind of sensational announcement. The elimination of the score charges may be such an announcement.

Because of the legal entanglements the major companies have frequently found themselves in lately, and because of the closer attention the Government is now paying to the moving picture industry, the heads of the major companies have begun to feel as if the elimination of some of the causes for the independent exhibitor complaints is necessary. But in order for them to make it appear as if these concessions to exhibitors are made voluntarily, and to prevent any independent exhibitor leaders from getting any credit, and at the same time build up prestige for their subsidiary, M.P.T.O.A., they have called their men Friday into conferences so as to determine what these concessions should be.

The reason why they want to make it appear as if the concessions to the independent exhibitors are made as a result of negotiations between exhibitors and distributors is their desire to throw the Government "off their track." Notice how careful they are to make it appear as if there is no concerted action: the conferences have taken place between the M.P.T.O.A. leaders and each individual distributor, contrary to the practice that has prevailed heretofore.

The one point on which concessions may be granted is, as I have assumed, the score charge. I am led to believe that this will be the concession by the statements the efficient publicity department of the Hays association has released to the trade press.

There is no sincerity back of the present desire of the major producers to make concessions to the independent exhibitors. If there were, they would have invited, not their stooges, but really independent exhibitor leaders. They may have a personal dislike for some of the Allied leaders, but a way could have been found to appoint representatives that would be acceptable to them—men who would not be subservient to the producer interests and at the same time not unfair to them.

Some one should tell them that no half-measures will succeed: they cannot "kid" anybody. If they want to get anywhere, they must come forward with clean hands.



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## Anti-Trust Litigation in the Motion Picture Industry—No. 8

By George S. Ryan

### (8) PROTECTION (Continued)

Having in mind the rule of law laid down in this case—that concerted action of distributors to prescribe protection is illegal—it may be illuminating to review some of their acts in regard to this practice, chiefly through the Hays Organization and the Film Boards of Trade.

On May 1, 1930, at a meeting of the Motion Picture Producers and Distributors of America, Inc., a resolution was unanimously adopted, which, after reciting that protection "is both legal and necessary" and that conferences had taken place between the president of the association and the attorney-general and an assistant attorney-general, in which assurances were given that a series of conferences to bring about a national economic adjustment would be looked upon with favor by the Department of Justice, concluded:

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Motion Picture Producers and Distributors of America, Inc., that the plan for the series of conferences to effect a national economic adjustment of "protection," as set forth in the memoranda above referred to, is hereby approved, and the President of this association be and he hereby is authorized to advise the Department of Justice to such effect and to proceed to arrange for such conferences.

On June 27, 1930, C. C. Pettijohn, general counsel of Film Boards of Trade, New York, wrote a letter to the presidents of all film boards of trade containing instructions for their guidance in securing and filing a zoning and protection plan. It contained the following:

Producers cannot make pictures without the revenue they derive from first runs. It is my opinion that the first runs in the United States pay better than 75% of the film rentals. They pay not only for the picture but for the protection and that protection should be reasonable so that it does not hurt subsequent runs.

... Every sales executive for every national distributor in New York City should have on his desk the type-written zoning and protection plan for each of the thirty-one or thirty-two zones. *That is what they want.* When an exhibitor comes to New York City to buy he sometimes uses the argument that other companies are giving him more protection, or that particular company is giving him less than anybody else. These arguments can be met here by the sales executives by simply calling the exhibitor's attention to the fact that there is a zoning plan in the territory in question which they desire to adhere to, thus treating all exhibitors with the same consideration accorded them by other distributors and in conformity with the zoning and protection plan voluntarily set up by fair minded men representing all elements in the territory in question.

On July 2, 1930, the general counsel sent a telegram to the Secretary of the Film Board of Trade in Boston as follows:

Twenty-five secretaries and boards including you and your board have not delivered to this office a zoning and protection plan stop certain elements are advocating a plan to set up protection by a nationally appointed committee which could not possibly know local conditions and could not result either satisfactory or understandable to our members or your local independent and circuit theatre operators stop to date progress made by your board and local theatre men indicates that you are either disinterested or do not understand importance and value of doing these things yourselves locally instead of somebody attempting to do them for you less fairly and with

less understanding stop I want every secretary to immediately stimulate this work and report to this office what progress you have made and frankly how this matter will be taken care of in your territory stop if your local people do not want it cannot do it or do not understand its importance and necessity for prompt action please say so stop let us have some action—

Would it be uncharitable to suggest that this telegram was a thinly veiled threat that if the independent exhibitors did not agree upon a plan of protection, the major distributors in New York would themselves establish and enforce a plan?

At a meeting of the Board of Directors of the Motion Picture Producers and Distributors of America, Inc., on September 22, 1930, the following occurred:

It was reported by the chairman that pursuant to the resolution of the Board of Directors adopted May 1, 1930, regarding the fair, reasonable and strictly legal conduct of the essential trade practice known as protection, conferences on the subject have already been held in thirty out of the thirty-three zones, with prospect of successful conclusion of the matter in all but four of these zones.

These votes, telegrams and letters and others of similar nature were in evidence in the Massachusetts actions against Paramount Publix Corporation to which reference has already been made.<sup>(65)</sup> The auditor appointed by the court to report the facts, after summarizing the votes and quoting the telegrams, found in part as follows:

During the season 1930-31 the distributors used contracts which contained substantially uniform provisions in regard to the effect of the proposed adoption of a zoning and protection plan as follows:

"If prior to the expiration of the term of this agreement a zoning and protection plan for the territory in which the exhibitor's theatre is located shall generally be adopted by the exhibitors in said territory then and in such event and from the date of the addition of such plan, the protection, if any therein specified for the exhibitor's theatre, shall be substituted for the protection herein granted the exhibitor with the same effect as if the protection then so specified were the protection herein granted!"

The plaintiffs contend that the protection committee meetings were the result of a determination by the defendant and other members of the Motion Picture Producers and Distributors of America, Inc., to secure the assent of the independent exhibitors to a protection plan which would be favorable to the producer-controlled theatres and which in the New England territory would be favorable chiefly to the defendant, and that the major distributors and operators of producer-controlled theatres combined, conspired and agreed with the defendant to give protection to first-run theatres, chiefly theatres of the defendant in Metropolitan Boston, Worcester and Springfield. The defendant contends that the meetings of the Zoning and Protection Committee in 1930 were not productive of any agreement and that no plan for zoning and protection was adopted.

While the Zoning and Protection Committee in Boston failed to adopt the comprehensive plan that its sponsors had contemplated, the records of the committee show that representatives of five of the major distributors, including the defendant, made an express agreement on August 12, 1930, that certain theatres in Boston "be given

(Continued on last page)



**"Bunker Bean" with Owen Davis, Jr.  
and Louise Latimer**

(*RKO, June 26; time, 66 min.*)

A pleasant program comedy. Although the theme is not novel, it is amusing and holds one's attention because of the sympathy one feels for Owen Davis, Jr., a timid soul suffering from an inferiority complex. His actions are slightly silly, for he appears as a weakling, but one cannot help liking him because of the engaging way Davis portrays the part. The manner in which he gradually loses his meekness and gains enough courage to stand up for his rights should provoke hearty laughter. Berton Churchill, as a fake spiritualist, adds to the comedy by his ability to make Davis believe that he must be the reincarnation of either Napoleon or a famous Egyptian King, noted for his wisdom.

Davis, a timid office clerk and stenographer, goes to a fortune teller for aid in losing his timidity. She tells him he is Napoleon reincarnated. He reads up on Napoleon and tries to emulate him with unsuccessful results. In the meantime he inherits a patent for an aeroplane stabilizer, and \$5,000 in cash. He goes back to the fortune teller, who is this time assisted by Churchill, and is told that he is now the reincarnation of an Egyptian King; they offer to bring over his mummy for \$1,000, to which Davis agrees. By consulting the mummy now and then, he gains courage to declare his love for Louise Latimer, McWade's daughter, and to demand a large sum of money for his patent. He nearly loses this courage when his dog tears the mummy apart and he finds out that it was filled with sawdust. But Miss Latimer instills courage in him, and again he stands up for his rights. Thus he demands for his patent \$50,000, which McWade is compelled to pay him. He then marries Miss Latimer.

The plot was adapted from the novel by Harry Leon Wilson and the play by Lee Wilson Dodd. Edmund North, James Gow, and Dorothy Yost wrote the screen play, William Hamilton and Edward Kelly directed it, and William Siström supervised its production. In the cast are Jessie Ralph, Edward Nugent, Hedda Hopper, and others.

Good for all. *Class A.*

**"Murder by An Aristocrat" with  
Marguerite Churchill and Lyle Talbot**

(*First Nat'l., June 13; running time, 59 min.*)

A fair mystery melodrama. The plot is too involved and far-fetched to be taken seriously; and for that reason it does not hold the spectator in tense suspense. None of the characters involved are of much importance, nor do they, by their actions, awaken one's sympathy. The romance between Miss Churchill and Talbot is never fully developed, and has no connection with the plot:—

Miss Churchill, a nurse, is called in to take care of William Davidson, a member of an aristocratic family, who had been shot but only slightly wounded. She discovers that the shooting had not been accidental, as she had been told, but a deliberate attempt on his life. Many strange things happen that night to strengthen her suspicion. The following day, Davidson orders her to remain in the garden while he takes care of some business with some one in the family. A few hours later his body is discovered—this time the murderer had not missed. By clever deduction, Miss Churchill solves the mystery by proving that Virginia Brissac had killed Davidson because of the disgrace he was bringing

to her family; and also because he had been giving drugs to her nephew (Gordon Elliott). Elliott dies also, thus freeing his devoted wife, who was in love with another man. Miss Brissac dies from heart failure just as she was preparing to kill herself. Miss Churchill is glad to leave the house with Talbot, the doctor in charge of the case.

Mignon C. Eberhart wrote the story, and Luci Ward and Roy Chanslor the screen play. Frank McDonald directed; Bryan Foy supervised. In the cast are Stuart Holmes, Claire Dodd, and others.

Because of the murders it is unsuitable for children. Adult entertainment. *Class B.*

**"Bullets or Ballots" with Edward G.  
Robinson and Joan Blondell**

(*First Nat'l., June 6; time, 81 min.*)

A powerful melodrama! Fashioned along the style of the "G-Men" pictures, it revolves around the efforts of Edward G. Robinson, a detective, to uncover the activities of a gang of racketeers. It holds one in tense suspense throughout, owing to the danger to Robinson, who pretends that he was thrown off the detective force, using this as a means to gain the confidence of the gangsters. Despite its gangster theme, it is not demoralizing for, instead of glorifying the racketeers, it stresses the personal bravery of Robinson, who gives his life fighting for law and order. The romantic interest is subdued, in no way interfering with the action. There are several thrilling situations. The situation where Robinson faces the gang, who suspect his police connections, and where he disclaims their accusations, is one of them. One feels deep sympathy for Robinson, a fearless man; his death in the end pains the spectator. The comedy is good; it is provoked by Robinson's rough treatment of gangsters and his insistence that they tip their hats to him:—

Robinson, supposedly discharged from the detective force, joins a gang of racketeers headed by Barton MacLane. This makes Joan Blondell unhappy, for she loved him. The numbers racket, first started by Miss Blondell in a small way, is taken away from her and becomes the gang's most profitable business. This enrages her and she denounces Robinson. Humphrey Bogart, the most vicious member of the gang and a killer, enraged because Robinson takes his place as right hand man to MacLane, kills MacLane, and insists on being the head of the organization. But Robinson, claiming that he had been chosen by the heads, whom no one knew, to lead the gang, gives the orders. He is called by one of the officials to his bank, and to his surprise there he learns that the official and two prominent business men were the heads. They ask him to be their representative. He arranges with the police to close in on the gang. In the meantime Bogart obtains definite proof that Robinson is still a detective and follows him. In a gun fight he shoots and wounds Robinson, who in turn kills him. Although wounded he proceeds with his work, helping the police round up the leaders and the gang. He dies.

Martin Mooney and Seton I. Miller wrote the story, Seton I. Miller the screen play, William Keighley directed it, and Lou Edelman supervised. In the cast are Frank McHugh, Joseph King, Richard Purcell, and others.

Not for children. Good for adults, particularly men. *Class B.*



**"Trouble for Two" with  
Robert Montgomery and Rosalind Russell**  
(MGM, May 22; running time, 74½ min.)

Only fair. The novelty of the story may appeal to high-class audiences; but it is doubtful if the masses will find it to their liking. The plot is too fantastic and improbable to be taken seriously; and occasionally it becomes muddled so that one does not know what it is all about. It is miscast also—Reginald Owen, an excellent comedian, takes the part of a maniacal killer and is given a queer make-up. Frank Morgan has little opportunity to display his talents for comedy; and not much emphasis is placed on the romance between Robert Montgomery and Rosalind Russell. The closing scenes, where Montgomery, in a duel with Owen, kills him, thus saving his own life and that of Morgan's, are the most exciting:—

Montgomery, heir to the throne of a mythical kingdom, decides to take a trip incognito to London, with Morgan as his companion. On board ship he receives a note from Miss Russell, asking for his help. He does not know that she is the princess to whom he is to be betrothed. But she knows who he is and wants to test his courage. Montgomery is disappointed when she does not meet him at the end of the trip as she had promised. He goes to a cabaret where he is fascinated by the morbid tale told to him by Louis Hayward, member of a suicide club. Thinking that it was a joke, he insists on accompanying him to a meeting; once there he realizes it is a serious matter. To his surprise Miss Russell comes to the meeting also. Owen, president of the club, deals the cards—the receiver of the ace of spades to die and of the ace of clubs to do the killing. The second night there Montgomery receives the ace of spades and Miss Russell the ace of clubs. She cannot go through with the killing and confesses who she is. By this time they are in love with each other and naturally do not want to die. But Owen, who was an exiled anarchist from Montgomery's country, tries to carry out his plans. Eventually Montgomery kills him in a duel. He is happy to go through with his father's wishes that he marry Miss Russell.

The plot was adapted from the story by Robert Louis Stevenson. Manuel Seff and Edward E. Paramore, Jr., wrote the screen play. J. Walter Ruben directed it. In the cast are E.E. Clive, Walter Kingsford, and others.

Suitable for all, except that it may frighten children. *Class A.*

**"Sins of Man" with Jean Hersholt**  
(Twentieth Century-Fox, June 5; time, 78½ min.)

A well-produced and finely acted drama of the tear-jerker variety. But it is somewhat depressing entertainment because of the hardship and unhappiness that Jean Hersholt is shown enduring. There are several situations that will stir the emotions deeply. The situation where Hersholt tries to make his deaf child hear what he is saying is one of them. Another is where Hersholt, old and sick, meets his son after years of separation. As entertainment, it will not have much appeal for young people for it is devoid of romance and has very little comic relief. It should find favor with elderly folk:—

Hersholt, sexton of a small Austrian village, is unhappy because Don Ameche, his elder son, shows a keen interest in aviation, which was a new thing at that time, instead of in the church. Ameche, un-

able to stand his father's unreasonable attitude, runs away and goes to America. At first Hersholt tells his friends never to mention his son's name, and devotes all his time to his younger deaf son. But he relents and leaves for America to visit Ameche and to arrange for a bond to bring the younger boy into the country for medical attention. Ameche, connected with an aviation concern, offers to pilot a plane for one thousand dollars, his purpose being to earn enough money for doctor bills for his brother. He is killed. The outbreak of war prevents Hersholt from going back to his home. Later he learns that his village had been completely demolished in a bombardment. Feeling he had lost his two sons, he is heartbroken. For the twenty years that follow he does odd jobs, even scrubbing floors. One day he hears a record of a symphony and to his mind come back the bells of his village church. After many attempts he finally meets the composer, who turns out to be his own son; the boy had regained his hearing from the shock of the bombardment during the war. He had been adopted by an Italian family and had developed into a famous composer-conductor. Father and son are joyfully united.

Joseph Roth wrote the story, Samuel G. Engel, the screen play. Otto Brower and Gregory Ratoff directed it, and Kenneth Macgowan produced it. In the cast are Allen Jenkins, J. Edward Bromberg, Ann Shoemaker, and others.

Suitable for all. *Class A.*

**"Frankie and Johnnie" with  
Chester Morris and Helen Morgan**  
(Republic, May 1; time, 65 min.)

Mediocre! The sensational title may draw men to the box-office, but they will find little entertainment. The story is silly and sordid, and the production poor; and since Lilyan Tashman, who died in March, 1934, is in the cast, the audience will know that the picture is more than two years old. During that time it has undoubtedly undergone censoring cuts; as a result, it is choppy. This makes the action at times meaningless. Helen Morgan awakens some sympathy because of the unhappiness caused to her by Chester Morris; but Morris is a despicable character; his actions antagonize the spectator. The action takes place in 1870:—

Morris, a card cheat posing as an innocent country farm hand, arrives in St. Louis, his first stop being at the gambling and drinking house run by Florence Reed. There he is befriended by Miss Morgan, an entertainer, who falls in love with him at first sight. She gives up her chance of security in marriage with William Harrigan; instead she marries Morris, who did not love her. He carries on an affair with Miss Tashman, a vicious gold-digger working at the same cafe, and plans to run away with her with money Miss Morgan had borrowed for their passage to New Orleans. Miss Morgan hears about this and goes looking for Morris, her intention being to kill him. She is saved the trouble of doing this by Miss Reed's henchman, who shoots first. After the funeral Harrigan, whose feelings had not changed, again proposes and is accepted.

Jack Kirkland wrote the story and Moss Hart the screen play. Chester Erskin directed it.

Unsuitable for children, adolescents, or Sundays. Adult entertainment, and at that for the rough type. *Class B.*



a 28 day protection" and certain other theatres "be given a 14 day protection" over all other theatres in Metropolitan Boston. I find that these representatives of the major distributors, including the defendant, were acting within the scope of their authority in making such agreement and that the agreement was that of their principals, the distributors. It is true that this agreement provided for substantially the same protection as that previously in force, and which doubtless would have remained in force if the agreement had not been made, but it is impossible to escape the conclusion that these distributors did agree in combination not to bargain with the plaintiffs' theatres in Metropolitan Boston unless the plaintiffs should consent that certain of their rivals should have had the first opportunity to exhibit given pictures. It is manifest that the distributors thereby agreed to limit their freedom to contract according to their individual judgments as to the period of protection to be accorded the named theatres and indirectly to be imposed upon the plaintiffs' theatres within the prescribed area. In my opinion it is impossible to distinguish this agreement from that declared by Judge Munger in the *Youngclaus Case* (*supra*) to be "an unreasonable restraint of interstate trade," unless it be true, as I understand the defendant contends, that the distribution of films in Metropolitan Boston is not interstate commerce.

It will be observed from the schedules submitted that the defendant's system of protection was based in part upon the admission prices charged by subsequent-run theatres. It demanded and received greater protection, both in regard to time and territory, against a low priced theatre than against a theatre charging higher admission prices. It follows that the effect of these protection agreements has been to cause an increase in admission prices of subsequent-run theatres and has enabled the defendant to maintain higher prices for its prior-run theatres. All parties agree that the system of protection has been of tremendous benefit to first-run theatres as well as to the distributors. The evidence shows that from 65% to 75% of the revenue of the distributors is derived from first-run theatres, and for a number of years the defendant has owned or controlled a large majority of the important first-run theatres in New England.

... Incidentally the defendant as an exhibitor, derives a large advantage from protection in competition with subsequent-run theatres. It is, as one of the witnesses said, an axiom in the industry that protection aids the theatre which receives it and hurts the theatre against which it is granted, and I find that the defendant and each of the distributors knew of the financial effect upon subsequent-run exhibitors of the stipulated protection to the defendant. I find that the agreement for protection to the defendant's theatres has been a substantial factor in giving it the substantial monopoly which it enjoys of first-run exhibition in various localities, including those in the neighborhood of certain theatres of the plaintiffs.

These decisions manifest the tendency of the courts to scrutinize and to condemn protection agreements among distributors. The tide was running strongly against the practice, and even the word itself was beginning to have a sinister connotation. In June, 1933, it seemed as if protection were dying, ready to slide into a nameless grave.

Then came the National Industrial Recovery Act, a great experiment in idealism, with its formula for progress through cooperation, not competition. Its avowed intentions were to abolish monopolistic practices and to aid small enterprises; but in actual operation, because of obvious human tendencies, it was used as an instrument for the oppression of independent enterprises and the perpetuation of monopoly. It was an injection of adrenalin into a weakened heart. It not only revived the sinking patient but it accomplished a miraculous cure.

By virtue of the Act a group of representatives of various segments of the industry, chiefly producers, distributors and affiliated exhibitors, compiled a set of rules of conduct which, by ironic anomaly, were called the "Code of Fair Competition for the Motion Picture Industry." In it the name protection was carefully eliminated. But the practice was there, rejuvenated and vigorous, thinly disguised under the title "Zoning and Clearance."

Article VI of the Code provided in part as follows:

"Part 1. Clearance and Zoning Boards.—Section 1. To provide against clearance of unreasonable length and/or area in any exchange territory, fair, just, reasonable and equitable schedules of clearance and zoning may be prescribed by a Local Clearance and Zoning Board created for such territory.

"Sec. 3. Each Local Clearance and Zoning Board shall promptly after its creation, and prior to January 1, 1934, and prior to January 1st of each year thereafter, formulate, prescribe and publish for its territory, schedules of clearance as in Section 1 above described, for the season next ensuing. Such schedules may classify theatres by zones or other classification suited to local conditions, but for the sole purpose of fixing the maximum clearance in length of time and area after the conclusion of the prior runs of such theatres. Each Board may, after fair and reasonable notice and hearing to interested parties, change, modify or vary any part of the schedule set up by it, provided that any such change or modification shall not in any wise apply to, affect, or modify any exhibition contract made subject to, or in reliance upon, or pursuant to any such schedules, without the prior written consent of the parties to such contract."

The section that followed prescribed the method of formulating protection.

In other parts of the code there were provisions for the compulsory use of the Optional Standard License Agreement<sup>(60)</sup> and for the maintenance of minimum admission prices specified in these agreements, and a stringent prohibition against lowering the announced admission prices by rebates in any form.<sup>(61)</sup> A violation by an exhibitor of these provisions would result in the shutting off of his film supply.<sup>(62)</sup>

These provisions not only placed the stamp of legality upon forbidden practice, but they also required the very men injured by them to participate in the violation of law.

Such a code, however, could not last long. It would have died of its own limitation in June, 1935, without benefit of Congress, had it not first been nullified by the decision of the Supreme Court in the *Schechter Case*, holding that the National Industrial Recovery Act was unconstitutional.

<sup>60</sup> *E. M. Loew's, Inc. v. Paramount Publix Corporation*, D.C. Mass., No. 4892. Quotations from this report have been made above, "(6) Theatre Acquisition"; "(7) Monopoly of Product."

<sup>61</sup> Code of Fair Competition of the Motion Picture Industry, Art. V., E, Part 1.

<sup>62</sup> *Id.*, Art. V. E, Part 3, Sec. 1.

<sup>63</sup> *Id.*, Art. V. E, Part 3, Sec. 1. The adoption of these provisions by the distributors obviously constituted a conspiracy, for the reasons stated above under the topics "(2) Standard Contract: Arbitration and Credit," "(3) Admission Prices," unless immunity is given by the Recovery Act.

## ABOUT "MR. DEEDS GOES TO TOWN"

Many exhibitors have asked of this paper to inform them whether "Mr. Deeds Goes to Town," is a 1934-35 or a 1935-36 release.

Columbia did not announce in the 1934-35 season a Capra picture to be founded on the "Mr. Deeds Goes to Town" story either by this title or by any other. But in that season, it sold two Capra pictures, and since it delivered only one ("Broadway Bill") it owed to its 1934-35 accounts one more Capra picture.

On October 15, 1935, however, Columbia, in accordance with the terms of Clause 17 (the "Not generally released" clause), it sent to each Columbia account a written notice, informing them that it has eliminated from the contract the second Capra picture.

The same clause specifies that, when the distributor, fifteen days prior to the expiration of the contract (October 31, 1935), sends a notice eliminating one or all the not generally released pictures, the exhibitor has the right to send a similar notice, not later than thirty days after October 31, (November 30, 1935,) demanding the delivery of all not generally released pictures, and the distributor must deliver such pictures if it produces them within one year from October 31, 1935.

On October 26, 1935, HARRISON'S REPORTS printed an editorial calling the attention of the Columbia accounts to these facts, urging them to send written notice demanding the second Capra picture.

Since the Capra pictures were sold without any stories, by right the exhibitors are entitled to the first two Capra pictures Columbia produced within the terms of the contract. "Broadway Bill" was the first one, and since "Mr. Deeds Goes to Town" has been the second every exhibitor who sent a notice demanding all not generally released pictures is entitled to this picture.

Columbia is delivering "Mr. Deeds" to all the exhibitors who have sent such a notice, for as far as they are concerned it is a 1934-35 release. But for those who have not sent such a notice it is a 1935-36 release, and unless they have the 1935-36 Columbia product under contract their competitor may have all rights to it.



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No. 24

## Anti-Trust Litigation in the Motion Picture Industry—No. 9

By George S. Ryan

### (8) PROTECTION (Continued)

Until the promulgation of the Code the distributors and affiliated exhibitors usually made their agreements in secret. Thereafter they prescribed the schedules and announced their decisions openly, with the claim that the ban of the anti-trust laws had been removed by the Recovery Act.

Now the question may arise in regard to the legal effect of these acts, schedules and agreements. Is there any immunity for unlawful acts committed in pursuance of an unconstitutional statute? If the law is unconstitutional it would seem to be a nullity. Can a mere nullity cast a cloak of legality around a forbidden act? At first glance it would appear that an unconstitutional statute is no justification whatever for acts committed under its shield. If that be true of the Recovery Act, then exhibitors who have been injured by the edicts of the zoning and clearance boards may not be wholly without redress.

Since the demise of the Recovery Act swept the zoning and clearance boards out of existence, however, the practice has not ceased. Nor have the protection schedules been substantially modified. Because the practice is extremely valuable to affiliated exhibitors, they are not likely to abandon it voluntarily; and the problem may not be definitely solved without further litigation.

The only case in the federal courts involving protection which has been decided since the code went into effect is *Colonial Theatrical Enterprises, Inc. v. Cooperative Theatres of Michigan, Inc.*, and the major distributors.<sup>(60)</sup>

In sustaining a finding of the master in favor of the defendants the court says:

This appears to be a controversy between competing movie picture theatres, where it is claimed by the plaintiffs, that the picture reels are produced in New York and shipped to Michigan to the producer's agent, and that thereafter an organization in Michigan sets about to lease and distribute such pictures, after they are first produced in the down town theatres, to the so called neighborhood theatres, and thereupon agreements and leases are made by a third party to the neighborhood movie theatres; thereafter a controversy has arisen between the neighborhood theatres, as to which theatres would have first choice of the pictures to the exclusion of the other neighborhood theatres; the plaintiffs herein claiming that the lessor in Michigan, was showing partiality to their competitors, and that there was a combination or conspiracy between the defendants to give the competitor an advantage over the plaintiffs herein in the public display of such pictures; and the plaintiffs claim that such conduct amounts to a combination and conspiracy in restraint of interstate trade and commerce.

In the case at bar the defendants have not refused to lease picture films to the plaintiffs but on the contrary have been willing at all times to so lease such films, however, the plaintiffs claim that the defendants refuse to permit them to secure such pictures as they desire, and when they desire them; cleaved to the bone, this controversy is a case where one movie theatre desires the picture films it wants and when it wants them, to the exclusion of others. The bill also charged, the first preference is given to "Certain down town theatres," and after such exhibitions the films are delivered to and exhibited to the other moving picture theatres known as "neighborhood theatres," throughout the city, including all of the theatres involved in this case.

In other words there is no evidence here that the defendants have refused to supply the plaintiffs herein with picture films to be displayed in their theatres, but the

complaint is that its competitors receive certain pictures before they can obtain them and that therefore, they, in effect are being excluded; it is the order in which the films are supplied that the plaintiffs complain of.

The court is satisfied that the evidence fails to show that the transactions in question involve interstate commerce according to the facts and the law presented.

However, even though it appears that interstate commerce is involved, the evidence absolutely fails to establish that the defendants are engaged in any combination or conspiracy in restraint of trade or commerce. . . .

Apparently the bases of decision were that interstate commerce was not involved and that the evidence failed to establish a combination and conspiracy in restraint of trade. How far the latter ruling was justified cannot be known in the absence of a complete recital of the material facts. It is clear, however, that the master and the court erred in declaring that interstate commerce was not affected. Their rulings are in direct conflict with the opinion of the Supreme Court in the *Binderup Case*<sup>(70)</sup> and with the decision already mentioned in previous articles of this series.<sup>(71)</sup> On similar facts, it will be noted, the distributors contended and the Texas Court of Civil Appeals properly determined that local, or intra-state, commerce was not concerned.<sup>(72)</sup> In a suit in the Federal court in Wisconsin they secured a decree enjoining state authorities, acting under local statutes, from investigating their practices, particularly in the licensing of product, protection and other unfair and discriminatory methods, on the ground that the acts of the distributors grew out of interstate commerce.<sup>(73)</sup> The very unusual spectacle is therefore presented of the distributors contending in Texas and Wisconsin that interstate commerce was involved and in Michigan that it was not affected, and being successful in all instances.

### (9) CONSPIRACY TO BOYCOTT OR DESTROY COMPETITORS

For more than a decade the term "conspiracy" has been a byword in the motion picture industry—a generality commonly applied, with more or less accuracy, to any indefinite state of facts reacting to the detriment of the person using the word. Yet, notwithstanding the frequency with which the charge of conspiracy has been made and denied, for a long time there was no authoritative application of the law to trade practices.

A conspiracy is a combination of two or more by concerted action to accomplish an unlawful purpose or to accomplish a purpose not in itself unlawful by unlawful means.<sup>(74a)</sup>

In the language of Mr. Justice Holmes, which has become a legal classic:

A conspiracy in restraint of trade is different from and more than a contract in restraint of trade. . . . The contract is instantaneous. . . . A conspiracy is a partnership in criminal purposes.<sup>(74b)</sup>

In defining the nature of the conspiracy and indicating the methods by which it might be proved, Judge Moore charged the jury in the "St. Louis Case":

A conspiracy is a combination of two or more persons by some concerted action to accomplish some criminal or unlawful purpose or to accomplish some purpose not in itself criminal or unlawful by criminal or unlawful means.

. . . Conspiracies, by their very nature, are not generally done in the light of day, and are often not capable of proof by direct testimony, but may be inferred from the

(Continued on last page)



**"Little Miss Nobody" with Jane Withers**

(20th Century-Fox, June 12; time, 72 min.)

Good entertainment for the family trade. It has human appeal, without being overly sentimental, excellent comedy situations caused by Jane's prankishness, and a fairly interesting plot. Jane portrays a loveable and fine character, one who sacrifices her rightful place in the world in order to bring happiness to her chum. The situation in which she upsets the adoption plans of a priggish matron and her insufferable son should arouse hearty laughs. One is held in suspense in the second half, not knowing in which way Ralph Morgan will discover that Jane is his long-lost daughter. Harry Carey, as Jane's guardian who sacrifices his freedom in order to protect her, awakens deep sympathy. There is no romantic interest; all the action centers around the children:—

Jane is a difficult child for the matrons of the orphanage to handle; they hope for her early adoption. She and her best friend, Betty Jane Hainey, hope to be adopted by the same family so that they could always live together. Jane accidentally comes upon the box containing her records and goes through them noticing the peculiar monogram that had been embroidered on her baby clothes. Morgan, a well known political figure, calls at the orphanage with the request that he be permitted to search the records in an effort to locate his child; Jane, seeing the monogram that he shows the matron, knows that she is his daughter. In order to help Betty have a fine home, she rushes down to the record room to interchange their records; she is caught. Believing that her intentions had been to put the monogrammed clothes in her own file, the matron berates her and tells her she will have to go to reform school. Morgan takes Betty home with him. Jane runs away and seeks shelter with Carey, owner of a pet store. Thomas Jackson, a crook and former pal of Carey, attempts to steal jewels from Morgan's home, where Jane had unwittingly led him. Carey, who had followed, kills Jackson. The matter is brought to Morgan's attention; eventually everything is cleared. Morgan, by examining the police records, realizes that Jane is his daughter and regrets having misjudged her. The father and daughter are reunited.

Frederick Hazlitt Brennan wrote the story, and Lou Breslow, Paul Berger, and Edward Eliscu, the screen play. John Blystone directed it, and Sol M. Wurtzel produced it. In the cast are Sara Haden, Jane Darwell, and others.

Suitable for all. *Class A.*

**"Early to Bed" with Charles Ruggles and Mary Boland**

(Paramount, June 5; time, 72 min.)

A pretty good farce. Charles Ruggles and Mary Boland, by their expert handling of the comedy lines, make more of the material than what it really offers. The spectator is kept chuckling throughout because of the antics of this couple, who, for several reasons, find themselves in and out of trouble: one reason is that Ruggles, by walking in his sleep, becomes involved in a murder and robbery; another, is that Miss Boland, by her naivete, almost ruins Ruggles' chances for closing a big business deal.

After twenty years of courtship, Ruggles, deciding to forget about the terrible "secret" that had kept him from Miss Boland, marries her. Robert McWade, Ruggles' employer, offers a \$1,000 bonus and a month's vacation to any one who can get an order from George Barbier. Ruggles learns that Barbier is at a sanitarium, and goes there with Miss Boland on their honeymoon. He confesses to her what his secret is—he walks in his sleep. Miss Boland promises to help him find a cure. He becomes acquainted with Barbier and they are soon good friends. When Ruggles clears Barbier of a robbery charge, Barbier gives him a large order, which Ruggles telegraphs to his employer. Another robbery and murder occur. Ruggles and Miss Boland fear that he, Ruggles, is the guilty person because on the nights in question he had walked in his sleep. Barbier cancels the order when Miss Boland insults him, but reorders when Ruggles again clears him of another charge. Eventually Ruggles, who had been walking in his sleep but had been awakened, by pretending that he was still in a trance when he sees one of the patients opening the safe, captures the criminal. He is acclaimed a hero. Barbier gives him a job as superintendent of his business. Ruggles and his happy wife leave for Niagara Falls to complete their honeymoon.

Lucien Littlefield and Chandler Sprague wrote the story, and Arthur Kober the screen play. Norman McLeod directed it, and Harlan Thompson produced it. In the cast are Gail Patrick, Lucien Littlefield, Sidney Blackmer, and others.

Suitable for all. *Class A.*

**"Below the Deadline" with Russell Hopton and Cecelia Parker**

(Chesterfield, May 20; time, 68½ min.)

This crook melodrama is just fair entertainment. The story is far-fetched, and at times illogical, but it holds the spectator's attention because of the danger to Russell Hopton (hero), and the sympathy one feels for him when he is unjustly accused of a crime. The actions of the criminals are somewhat demoralizing for they specifically go into details as to how to cover up their tracks and arrange for the disposal of the stolen jewels. The romance is pleasant:

Theodore Von Eltz, a racketeer, carries out his plans to steal jewels from the firm for which Cecelia Parker works. By wearing a wig and disguising his voice he makes it appear as if he were Hopton, Miss Parker's sweetheart, a policeman; his purpose was to get rid of Hopton and have Miss Parker for himself. Hopton is arrested but escapes from the detectives. He boards a train, which is later wrecked. He plants his papers on a dead man, who had been mutilated beyond recognition; the police, therefore, believe he is dead. With the help of plastic surgery and by changing the color of his hair, Hopton returns to his home, posing as his own brother who had come to clear up his brother's name. He eventually rounds up the gang, proves his own innocence, and then discloses his identity. He is restored to the police force and marries Miss Parker.

Ewart Adamson wrote the story and screen play. Charles Lamont directed it. George R. Batcheller produced it. In the cast are Thomas Jackson, Warner Richmond, John St. Polis, and others.

Not suitable for children or Sundays. Adult entertainment. *Class B.*

**"Fury" with Spencer Tracy and Sylvia Sidney**

(MGM, June 5; time, 92 min.)

A powerful melodrama; it holds the spectator in tense suspense throughout. Some of the situations are so emotionally stirring that they tear at the heartstrings. Nothing like the mob scenes here have been shown before. The manner in which the crowd is stirred to a frenzy is so realistic that it terrifies one because one feels that such things can and probably do happen. And the fact that an innocent and fine person (portrayed by Spencer Tracy) is the victim of this outrage awakens one's sympathy so deeply that at times one cannot hold back the tears. The story carries a real punch and is an indictment against lynching. So powerfully has it been set forth, that sensitive persons may be sickened by the scenes showing the mob yelling for Tracy, their intention being to lynch him. The courtroom scenes showing the trial of the leaders of the mob have been cleverly contrived and are extremely interesting. The romance between Tracy and Sylvia Sidney is made an important part of the story; one is deeply touched by their unhappiness:—

Tracy, after a year of hard work and saving, leaves by automobile to join Miss Sidney, his sweetheart, who lived and worked a distance away, his intention being to marry her and bring her back to his home. He is stopped at the outskirts of a small town and taken to the county jail for questioning in a kidnap and ransom plot. Circumstantial evidence places Tracy in a suspicious light and Edward Ellis, the Sheriff, decides to hold him until he communicates with the District Attorney. Villagers start gossiping and soon they are convinced that Tracy is the chief kidnapper. Goaded on by Bruce Cabot, a vicious character, they storm the jail, their intention being to get Tracy and lynch him. Ellis and his men resist the crowd. Cabot and others set fire to the jail. When they hear that troops are on their way they throw dynamite into the prison. They do not know that by doing so they had freed Tracy from his cell. Miss Sidney and Tracy's brothers mourn him as dead. But Tracy returns to his brothers, a changed man, bitter and revengeful. He compels them to demand the arrest and trial of the leaders for murder. They do as he wishes, and the trial proceeds. The leaders are convicted of murder. Miss Sidney accidentally finds out that Tracy is alive; she goes to him and demands that he appear at the court to save the condemned persons. At first he refuses, but he later relents and follows her bidding. He is then at peace; he and Miss Sidney marry.

Norman Krasna wrote the story, and Bartlett Cormack and Fritz Lang the screen play. Mr. Lang directed it with skill, and Joseph Mankiewicz produced it. In the cast are Walter Abel, Frank Albertson, George Walcott, and others.

Exhibitors may find it a bit too brutal for children. Adult entertainment. Morally, *Class A*, but suitability, *Class B*.



## "Private Number" with Loretta Young and Robert Taylor

(20 Century-Fox, June 5; time, 79 min.)

Excellent mass entertainment, with a particular appeal for women, because of the romantic theme. The fact that the plot is ordinary will, no doubt, be overlooked by audiences, for the production, direction, and acting are of the highest order. And the personal charm and popularity of both Robert Taylor and Loretta Young should, in itself, bring patrons to the box-office. Miss Young wins the spectator's sympathy at the very beginning and retains it throughout. The courtroom scene, in which she is shown trying to protect her good name for the sake of her child, should touch one deeply. There are several sex situations, but they have been handled cleverly and tactfully. Audiences should be highly amused by the antics and wisecracks of Patsy Kelly; her comedy lines are perfectly timed and relieve the tenseness in several situations:—

Miss Young, personal maid to Taylor's mother, repulses the advances of Basil Rathbone, the head butler. She innocently becomes involved with Monroe Owsley in a raid on a questionable house and is arrested. She telephones to Rathbone for help; he arrives at the jail and pays her fine. Again he suggests to her the advisability of her being "pleasant" to him. Taylor notices Miss Young and is impressed. When the family leave for Maine for their vacation, they take Miss Young and Patsy with them. There the romance between Taylor and Miss Young develops and they are married secretly. He returns to college in the Fall. A spiteful maid discloses to Rathbone that Miss Young is to become a mother. He rushes with the news to his employers and when Miss Young is brought before them, she is upbraided. Patsy rushes to her defense and blurts out the fact that their own son is Miss Young's husband. Rathbone, furious, informs them that Miss Young has a police record and shows them the receipt for the fine he had paid. Miss Young is unable to convince them that she had been innocent and leaves. She is taken in to the home of old friends, where her baby is born. She is brought to court on annulment proceedings and things look bad for her because of the false testimony given against her by Owsley, who had been bought off by Taylor's father. Through a clever ruse, Owsley is forced to tell the truth, thereby clearing Miss Young. Eventually she and Taylor are reconciled.

Cleves Kinkead wrote the story, and Gene Markey and William Conselman the screen play. Roy Del Ruth directed it, and Raymond Griffith produced it. In the cast are Joe Lewis, Marjorie Gateson, Paul Harvey, Jane Darwell, and others.

Because of sex suggestiveness it might be unsuitable for children and adolescents. Good for adults. *Class B.*

(Continued from last page)

In the St. Louis Case the learned judge not only defined conspiracy in the words already quoted, but he also explained to the jury, in language that is instructive to distributors and exhibitors alike, the purpose of the anti-trust laws,<sup>(78)</sup> the nature of interstate commerce,<sup>(79)</sup> and the meaning of the "right to sell" as distinguished from the crime of conspiracy to refuse to sell. He left to the jury the ultimate issue whether the admitted refusal to sell to any one in St. Louis other than Warners was due to a mutual understanding between the distributors or to independent action. In part he charged: <sup>(80)</sup>

... The law on this question is clear. You are instructed that while any one of the defendants, either with or without cause, could lawfully have refused to sell motion picture film to the three theatres in question, that it is, nevertheless, unlawful and illegal for any two defendants, either with or without cause to conspire together to refuse to sell film to these three theatres.

... If you find that there was a refusal to supply film and that said refusal came about because of an understanding or agreement or combination, secret or otherwise, between two or more of the defendants, and that interstate commerce was thereby restrained, it will be your duty to find such defendants guilty.

You are further instructed that if you find that RKO and Paramount agreed not to sell to anyone except Warners in St. Louis, that it is no defense that business expediency forced them to enter into such agreement. Under the Sherman Act, no man or corporation can enter with others into a conspiracy to injure the business of others even though he does it for the purpose of safeguarding his own business interests.

... In other words, the question from the beginning of this trial to the end is merely that of whether the de-

fendants conspired together to refuse to sell film to the three theatres in St. Louis. It makes no difference under the law whether the defendants had sufficient reason or no reason—in no event can the defendants conspire together to restrain interstate trade and commerce by combining to refuse to sell their respective film products to any one except Warner Bros.

Finally, it will be your duty, taking into account the entire evidence that has been here presented, whether or not the statements, the interviews, the consultations, the memorandum, the letters, the leases, the contracts, and the acts of the defendants were incident to and actuated by lawful business, or whether or not they disclose a continuous, though sometimes irregular sequence of events for the accomplishment of a veiled, but ever present, purpose of interfering with interstate commerce by refusing to sell the film of the defendants Warner Bros., First National, Paramount and RKO to anyone in St. Louis for exhibition purposes save and except Warner Bros.

Upon the issues submitted to them the jury found for the defendants and returned a verdict of not guilty.

<sup>(80)</sup> D.C. E.D. Mich., S.D. No. 6476; opinion and decree of Moinet, D.J. reported in full in Motion Picture Herald, April 18, 1936.

<sup>(79)</sup> *Binderup v. Pathe Exchange, Inc.*, 263 U.S. 291. This important case is discussed in article number "(2)," April 25, 1936, in the section relating to "Interstate Commerce," and will be mentioned hereinafter under the caption "Conspiracy to Boycott and Destroy Competitors."

<sup>(78)</sup> See the decisions cited under the topic "Interstate Commerce," particularly *United States v. Warner Brothers Pictures, Inc.*, et al. See also the decisions in the Perelman Case under the caption "Double Features," article no. 3, May 2, 1936.

<sup>(77)</sup> *Glass v. Hobbitzelle*, 83 S.W. (2nd) 796.

<sup>(76)</sup> *Paramount Public Corporation v. Hill*, 11 F. Supp. 478 (D.C. W.D. Wis., 1932). The decision was made by a court consisting of a circuit judge and two district judges.

<sup>(75a)</sup> *Duplex Printing Co. v. Deering*, 254 U.S. 465.

<sup>(75b)</sup> *United States v. Kissel*, 218 U.S. 601, 608.

<sup>(75c)</sup> *United States v. Warner Brothers, Inc.*, et al. Charge on November 11, 1935.

<sup>(74)</sup> *Binderup v. Pathe Exchange, Inc.*, 263 U.S. 291.

<sup>(73)</sup> *Peekskill Theatre, Inc. v. Advance Theatrical Co.*, 206 App. Div. 138, 200 N.Y.S. 726. The gravamen of the charge being a conspiracy to induce distributors to break their contracts, and breach of contract and interference with contractual relations ordinarily being local matters, an interesting situation might have arisen if the defendants had injected the issues of interstate commerce and federal copyright. See the discussion above in "(1) Interstate Character of Film Industry," "(3) Admission Prices," "(8) Protection." At that time, however, the *Binderup Case* had not been decided by the Supreme Court of the United States, and apparently the distributors were not desirous of establishing law that would bring their practices within the scope of the Federal Anti-Trust Laws.

<sup>(72)</sup> *Paramount Famous Lasky Corporation v. Stinnett*, 17 S.W. (2d)

<sup>(71)</sup> *Quittner v. Motion Picture Producers and Distributors of America, Inc.*, et al, D.C. S.D. N.Y., No. L. 48-363. Other phases of this action are reported in 50 F. (2d) 266, and 70 F. (2d) 331.

<sup>(70)</sup> See the reference to this prosecution under the caption "Federal Anti-Trust Laws."

<sup>(69)</sup> See "(1) Interstate Character of the Film Industry."

<sup>(68)</sup> *United States v. Warner Brothers Pictures, Inc.*, et al, D.C. E.D. Mo.

## THE ALLIED STATES CONVENTION IN CLEVELAND

The convention of Allied States in Cleveland last week was highly successful from the point of attendance as well as enthusiasm. It was the most enthusiastic convention that I have attended in years.

Many important steps were taken. Among them was a resolution to create a war chest of \$250,000 to bring about the separation of production-distribution from exhibition.

Mr. Russell Hardy, Special Assistant U. S. Attorney General, stated in his talk that the evils in our industry come mostly from the fact that the manufacturers are in competition with their customers; and until a law is passed divorcing these branches, abuses will always exist.

Let us hope that Allied will pursue vigorously the separation of theatres from production-distribution. But at the same time let us hope that Allied will not abandon its efforts to pass the Pettengill Bill. We have battled nine long years for a bill to outlaw block-booking and all these efforts will be wasted if it should relax its efforts.

The Cleveland exhibitors—Moe Horwitz, George Erdman and the others—deserve great credit for the way in which they handled the convention. They looked after the needs of every one. H. M. Richey, however, deserves the greatest credit for the attendance. He is a first class showman and knows how to draw people to such affairs.

W. A. Steffes, known better as "Al," in his vigorous way, demanded the resignation of Will H. Hays.



things actually done. It is not necessary to establish a conspiracy that the Government must prove an explicit or formal agreement for an unlawful act between the parties, nor is it essential that direct and positive proof be made of an express agreement to do the act forbidden by law. Conspiracies may be entered into in a very informal way. It is not necessary that all of the conspirators get together at the same time, or even at various times. It is not necessary that any one of the conspirators know all of the other conspirators who are engaged in the conspiracy. . . .<sup>(73c)</sup>

By their control of product and first run theatres, the major distributors obviously have the ability to ruin any independent exhibitor. The destruction may be accomplished not only by compelling him to wait until the box office value of films has faded, but, even more effectively, by refusing to supply him with films. The gist of the offence being combined or collective action, the decisive question, in cases where the distributors have simultaneously refused to supply films, is whether they acted jointly or independently.

In the *Binderup Case*, for example, the plaintiff, an independent exhibitor, alleged that he had organized a buying circuit and that the defendants had engaged in a conspiracy to boycott him; that is, to refuse to supply him with films. The case was a pioneer in motion picture litigation, and is even now a leading authority on the subject of interstate commerce. In declaring that the existence of the alleged combination was a conspiracy in restraint of interstate commerce, the United States Supreme Court said:

It is difficult to imagine how interstate trade could be more effectively restrained than by suppressing it and that, in effect, so far as the exhibitor is concerned, is what the distributors in combination are charged with doing and intending to do. It is doubtless true that each of the distributors, acting separately, could have refused to furnish films to the exhibitor without becoming amenable to the provisions of the act, but here it is alleged that they combined and conspired together to prevent him from leasing any of them. The illegality consists, not in the separate action of each, but in the conspiracy and combination of all to prevent any of them from dealing with the exhibitor.<sup>(74)</sup>

In a suit in New York against certain officers of Loew's, Inc., and various corporations, an injunction was issued preventing the defendants from inducing or coercing distributors not to deal with the plaintiff, or to break their contracts with it.<sup>(75)</sup>

In a very forcible and interesting opinion written in 1923 the Appellate Division of the New York Supreme Court said:

Upon the papers it appears that the Peekskill Theatre was constructed and operated for the purpose of the exhibition of moving pictures. Its proprietors were warned by individual defendants, before the building was built, that they would have trouble in getting films to exhibit. After the building was completed and when the plaintiff was ready to exhibit such pictures, it made various contracts with various producing firms for films, which contracts were broken through the procurement and inducements of the defendants . . . who are the officers of Loew's, Inc.

From the papers the conclusion is irresistible that it was the determined effort of these men to prevent the plaintiff from securing pictures and ruining its business.

. . . That the defendants represent powerful interests aggravates rather than mitigates their unlawful acts.

. . . The action of the individual defendants, in their deliberate conspiracy to prevent the plaintiff from obtaining these films for the purpose of ruining the plaintiff, not only renders those defendants liable to criminal prosecution, but makes them liable personally for all damages which the plaintiff has suffered.

. . . As for the other corporations named as defendants, while they probably could not be enjoined from breaking a contract if they alone were involved, nevertheless, if this contract were broken as a part of the conspiracy for the purpose of effectuating the boycott of the plaintiff's theatre, they are equally guilty with the individuals who have thus used them and made them a party to their scheme. . . .

This interference must be stopped, and the courts will have no difficulty either by injunction or, if necessary, by the administration of the criminal law, to prevent

these unlawful acts. The courts have little patience with those who trifle with clear legal rights of another.

In an action under the anti-trust laws of Texas by exhibitors for damages resulting from the destruction of their business, a verdict was rendered on which the trial court entered judgment for the plaintiffs for \$318,770. But the Texas Court of Civil Appeals reversed the judgment on the ground that the suit should have been brought in the name of the operating company, instead of by the stockholders who controlled it.<sup>(76)</sup>

In the *Quittner Case*,<sup>(77)</sup> which has been already mentioned as an action for treble damages under the Sherman and Clayton Acts against the Hays Organization, Paramount, and several officers of the last named corporation, the court ruled that there was evidence sufficient to warrant the jury in finding conspiracy in violation of the anti-trust laws, but not to sustain a finding that the plaintiff had been damaged by it. In explaining his action in directing a verdict for the defendants, Judge Caffey told the jury:

Upon my review of all the evidence in this case, I think it is clear that there is evidence here, at this stage from which the jury might find that the moving picture companies or some of them have violated the anti-trust laws. They are charged here with having been in combination or conspiracy. That means a confederation or concert of agreement upon joint action. There is nothing mysterious about it. In my judgment there is evidence here, from which the jury, if it saw fit, without other evidence being put in, might determine that the moving picture companies have violated the anti-trust laws of the United States by combining between themselves in respect to certain matters.

(Continued on back page)

## HARRISON'S DIGEST

The Digest is now being printed and by Monday it will be ready for mailing.

No time will be lost in mailing copies to those who have answered the Questionnaire. These will receive their copies free. To others who would want to obtain a copy, however, a small charge will be made, to defray the cost.

The charge will be based as follows:

To theatres in towns of 5,000 or fewer inhab. . . .	\$1.00
To theatres in towns between 5,000 and 10,000 . . .	2.00
To theatres in towns of more than 10,000 inhab. . . .	3.00
To circuits . . . . .	5.00

The Digest will be an invaluable asset to any exhibitor, no matter whether he has purchased his product or not. By means of the information contained in it he will be able to know whether he has paid a fair price for his pictures, or too much.

Here is a sample of how the information supplied by each exhibitor is presented in the Digest:

"EXHIBITOR 269: Pop. 8,000 (1,000 colored); seats 600; competition 10 miles; adm.: M. 10-25 and E. 15-30; no p-d designation;  $\frac{3}{4}$  shorts and 1 issue of the news; 10% elimination; M sales 453; R sales \$1,775,000.

"Flat Rental: 6 at \$150; 10 at \$65; 6 at \$50; 12 at \$32.50; 12 at \$20; 7 at \$15; 4 O'Briens at \$17.50; 1 special at \$30; score \$2.50.

"Percentage: None."

\* \* \*

"No p-d designation" means, of course, no play-date designation.

" $\frac{3}{4}$  of shorts and 1 issue of the news" means that the exhibitor had to buy these in order that he might obtain the features.

"M sales" means the combined circulation of *Saturday Evening Post* and of *Ladies Home Journal*. The idea for giving these facts was to enable the exhibitor to determine whether his town has as many picture-goers as another town of similar size, the theory being that the more the readers to these two magazines the more the picture-goers.

"R sales" means the retail sales as given by the Department of Commerce. If the retail sales of an exhibitor's town are smaller than the retail sales of another town, of similar size, then the amount spent by the inhabitants for amusement is not as much; consequently, he should pay less for film.

Those who wish to obtain a copy of the Digest should send their check with an order at once.



# HARRISON'S REPORTS

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## A REVIEWING SERVICE FREE FROM THE INFLUENCE OF FILM ADVERTISING

Vol. XVIII

SATURDAY, JUNE 20, 1936

No. 25

## Not Sufficient Information About the 1936-37 Pictures

Metro-Goldwyn-Mayer, Twentieth Century-Fox, Paramount and Warner Bros. have announced their 1936-37 releases, but only Metro-Goldwyn-Mayer has given enough facts about its pictures to enable an exhibitor to judge the quality of the entire program; the others have given very few identifiable novels, stage plays or magazine stories.

Soon the salesmen will be calling on you to sell you pictures they know nothing about, of a quality they cannot guarantee; they will call your attention to past performances, and in some instances the past performances of a company cannot, or to be exact should not, make the salesmen proud of them.

There has been some improvement in the pictures in the last three years, but such improvement concerns the cleansing of the stories of rankly suggestive situations and of highly vulgar dialogue; as far as the ratio of bad to good pictures is concerned, the same ratio has been maintained.

I have not yet seen any of the new contracts; but I am sure that this season's crop will contain as many unfair clauses, dubbed "tricky" at the Allied States Convention, in Columbus, as last year's crop.

An exhibitor asked me on the floor of the convention what the independent exhibitor can do about it, and I replied that he can do nothing about it except that, when the unfairness of such clauses is brought out some good is bound to result. I suggested that, when companies with inferior product attempt to enforce such clauses, or policies, it might result in some good were the independent exhibitors to refuse to sign the contract until such clauses have been eliminated.

Beginning this week, HARRISON'S REPORTS will point out the unfair clauses that were contained in last season's contracts, with the hope that the exhibitors may watch out for the presence of similar clauses also in this season's contracts. But these, too, will be dealt with in these columns when the new contracts are finally issued.

### Columbia

Under "Designation" in the Schedule, the exhibitor is made to agree that the license fees are not average license fees. Thus the exhibitor's average is raised if the distributor should fail to deliver all the low-allocation pictures, and he can do nothing about it. Columbia should be made to understand that this clause is a hindrance to its salesmen instead of an aid, for when its salesmen are told by the exhibitor that it is unfair they have no convincing argument against them. Some semblance of fairness should prevail in its dealings with the exhibitors.

Under "Run," the distributor is granted the right to deliver to the exhibitor as second run any picture that did not play first run. Many of you prefer to play pictures second-run because of the advertising they receive. Under this provision you have to accept a picture no matter whether it played in another theatre or not. Though such a provision cannot be called unfair so long as you agree to it, I felt that I should call your attention to it so that you may make the necessary reservations: If you don't like it, change it before signing the application. You may provide that pictures that do not play a first-run house be delivered to you either at a reduced rental or under some other conditions that protect your interests.

### First National and Warner Bros.

Since the contract of Warner Bros. is the same as that of First National, what will be said of the one contract applies also to the other contract.

In Paragraph (2), under "Additional Clauses" in the Schedule, the distributor reserves the right to interchange

the terms of a picture, even on the day you are playing it, with the terms of any other picture. It is altogether unfair for a distributor not to give you even a few days' notice of an interchange. If you are in a position to do so, you should insist that he should give you a notice of at least ten days.

Under Paragraph (4) the distributor forbids double-features of its pictures. In Philadelphia this clause has been declared illegal by Judge Welsh, of the District Court, being upheld by the Circuit Court of Appeals. Later the Circuit Court of Appeals granted the distributors a rehearing. The case has not yet been disposed of.

### Metro-Goldwyn-Mayer

Under Paragraph (D) in the Schedule, double-features of MGM pictures is forbidden. In case the exhibitor did double-feature any of its pictures, the distributor reserves the right to modify the agreement.

Under provision (F) an exhibitor has to accept a picture as a second-run even if it had not had a first-run showing.

### Paramount

In the first paragraph in the Schedule in the contract for "Group S-7" the distributor reserves the right to charge different percentages to different exhibitors for the same picture.

In the third paragraph immediately following "Classifications" the contract states that the license fees are not average license fees.

In the first paragraph immediately following the provision dealing with admission prices, the distributor reserves the right to declare all other contracts breached in case that contract were breached by the exhibitor.

In the provision that follows this provision, the distributor reserves the right to attach a C.O.D. for some other debt, even if the picture is paid for.

### RKO

In the fourth paragraph in the Schedule, double-features of RKO pictures is forbidden.

In the sixth paragraph it is provided that the license fees are not average license fees.

### Twentieth Century-Fox

In the second paragraph in the Schedule, it is provided that the license fees are not average license fees.

### United Artists

The Schedule provides for three rental classifications—A, B and C. Class A is for flat-rental terms; Class B for percentage with guarantee; and Class C for straight percentage. This indicates that this company had no uniform policy in the 1935-36 season.

The contracts of this company are individual, and one has no bearing upon another. While this provision cannot be called unfair as long as the exhibitor knows about it, he should bear this in mind.

\* \* \*

There are other provisions in all the contracts which the exhibitor should know about; but since these will, no doubt, be contained also in the new contracts, they will be dealt with in the analysis of these contracts.

## HARRISON'S DIGEST

By Monday, mailing of the Digest will begin.

As said in last week's issue, the Digest this year will be much more complete than it was last year.

Those who wish to obtain a copy should put in their order at once. The rates were given in last week's issue.



### "Border Flight" with Frances Farmer and John Howard

(Paramount, May 29; time, 57½ min.)

A fair program action melodrama, more suitable for men. The production is not pretentious, nor is the story novel; but it should prove fairly exciting to an average audience, for the action is fast and the aeroplane stunts are thrilling. The most exciting situation is that in which Grant Withers, formerly connected with the Coast Guards, crashes his plane into a boat used by smugglers, blowing it up and bringing about his own death. Up until that time Withers is an unpleasant character; but his final courageous act lessens the spectator's antipathy. The other characters awaken sympathy, particularly John Howard, because of his loyalty to the service. The romance is developed in a mild manner:—

Howard and Withers, both with the Coast Guard stationed at a patrol base in lower California, are rivals for the hand of Frances Farmer, who favors Howard. Because of disobedience, Withers is chastised by the commanding officer, and in a fit of temper he resigns. He joins a group of smugglers who had been cleverly evading the Coast Guard. Miss Farmer suspects this and asks him whether it is true. He confesses. Both he and Miss Farmer are kidnaped by the gang, who suspected that Withers was still working for the Coast Guard. Miss Farmer is finally able to get a message through to Howard, who rushes to her aid; he is followed by Roscoe Karns. Withers, knowing that Howard stood little chance of saving Miss Farmer while they were being fired at from the smuggler's boat nearby, goes up in a plane and crashes into the boat, blowing it up. He dies. Howard realizes that Withers' gesture was to show him that he was true to the service.

Ewing Scott wrote the story, and Stuard Anthony and Arthur J. Beckhard the screen play. Otho Lovering directed it and A. M. Botsford produced it. In the cast are Robert Cummings, Samuel S. Hinds, Matty Fain, and others.

Suitable for all. *Class A.*

### "I Stand Condemned"

(London Film-United Artists, July 1; time, 75 min.)

Fair espionage melodrama, suitable mostly for high class audiences. Despite a lavish production, and an interesting plot, which differs from the usual story of this type, it lacks mass appeal for American audiences. For one thing, the accents are decidedly British; for another it takes too long to come to the interesting part of the action—where Laurence Olivier (hero) becomes involved with the spies. The continuity is pretty choppy, owing probably to poor cutting. The closing scenes, where Olivier is shown being tried as a spy, his fate depending on the testimony to be given by Harry Baur, his rival in love, hold one in tense suspense; one does not know whether or not Baur will tell the truth so as to save Olivier from the firing squad. Olivier and Miss Dudley-Ward awaken sympathy; their eventual happiness pleases the spectator. The action takes place in Russia during the World War:—

Olivier falls in love with Miss Dudley-Ward, his nurse at the war hospital. She is duty-bound to marry Baur, a wealthy peasant, who had helped her aristocratic family financially. This disgusts Olivier, who feels that Baur is a vulgar war profiteer. While gambling at the same table with Baur, Olivier is taunted by him and recklessly bets a large sum of money; he loses and gives him his I.O.U.; Baur demands payment within three days. Lillian Briathwaite, a daring spy, suggests that Olivier call at her apartment to arrange for a loan. In the meantime Miss Dudley-Ward convinces Baur that he should cancel the debt; he sends the receipt to Olivier's home while he is away. The spy activities are traced to Miss Briathwaite, and the police arrive at her home just as Olivier was telephoning to them, having discovered that she was a spy; she had offered him the money he needed if he would give her war secrets. She takes poison and dies. Olivier is arrested; although he declares his innocence, his purpose for the visit having been to borrow the money to repay the loan, things look bad for him when the receipt is found in his home. Baur, although he hated Olivier for having taken Miss Dudley-Ward from him, testifies that he had never received

the money. Olivier is freed and returns to the front. One understands that he and Miss Dudley-Ward will eventually marry.

Pierre Benoit wrote the story, and Eric Siepmann the screen play. Anthony Asquith directed it, and Alexis Granowsky produced it. In the cast are Robert Cochran, Morton Seltin and others.

Suitable for all. *Class A.*

### "Revolt of the Zombies"

(Academy Pictures; running time, 61½ min.)

Mediocre! It is neither logical nor exciting, and falls far short of being a gripping horror melodrama. The plot is thin, and because of lack of material it is dragged out; at times it is ludicrous. Too much footage is wasted on dialogue, which is stilted and silly. No one does anything to awaken the spectator's sympathy. Dean Jagger (hero) is a spineless character, whose change from a retiring person to that of the evil spirit, ruling over the Zombies, is done so unconvincingly that it appears to be ridiculous. Nor is the romantic interest pleasant, for it revolves into the usual triangle, where former friends become enemies:—

After the World War, Jagger is sent with an expedition to discover the secret of the Zombies. He falls in love with Dorothy Stone, daughter of one of the members of the expedition. At first it seems as if she loves him, for she accepts his marriage proposal. But when Robert Noland joins the forces she switches her affections to him. Jagger is unhappy when Miss Stone breaks the engagement. He accidentally comes upon the secret of how to turn humans into Zombies. By the use of this power he makes slaves of all those he comes in contact with, and compels Miss Stone to marry him, hoping to make her love him. She asks him to release everyone from the spell in order to prove to her that he really loves her. He does this; but when the Zombies discover that they are freed of the spell they turn on Jagger and kill him. Miss Stone and Noland are happy that they can be married.

Howard Higgin, Rollo Lloyd and Victor Halperin wrote the original screen play. Victor Halperin directed it and Edward Halperin produced it. In the cast are Roy D'Arcy, George Cleveland, Fred Warren, and others.

Morally suitable for all. *Suitability, Class A.*

### "Girl of the Ozarks" with Virginia Weidler

(Paramount, June 12; time, 68 min.)

A pleasant sentimental program comedy-drama of mountain folk. It is good for the family trade, particularly for Saturday matinees. It depends mostly on the talents of little Virginia Weidler for its entertaining quality, for the story is thin and slow-moving. Virginia's wistfulness is so appealing and her acting so realistic that she moves the spectator to tears in some of the situations. The most touching situation is that in which Virginia takes leave of her sick mother and pretends that she is happy to go. A love affair is dragged into the plot, but it is of slight importance. It is a somewhat sad picture, with occasional laughs, provoked by the funny things Virginia says:—

Virginia, because she does not permit her classmates to bully her, is considered incorrigible. She leads her sick mother to believe that she is the best and most beloved pupil in school; this makes her mother very happy. When Virginia expresses a wish to have a certain dress for class day, Henrietta Crosman, her grandmother, suggests that she pray for it. In the meantime Miss Crosman steals the dress from the store, for which she is later imprisoned. Virginia, in the typical mountain fashion, goes after the jailer with a shotgun but is prevented from shooting him. At a meeting of the town board it is decided that Virginia be placed in the county institution. This makes Leif Erikson, her one friend, very unhappy, for he realizes he had failed her. He is assigned the difficult task of telling her that her mother had died. Eventually he marries Elizabeth Russell and takes Virginia from the institution to live with him.

Maurine Rabb, John Bright, and Robert Tasker wrote the story, and Stuart Anthony and Michael L. Simmons the screen play. William Shea directed it and A. M. Botsford produced it. In the cast are Russell Simpson, Louise Mason, Nora Cecil, and others.

Suitable for all. *Class A.*



### "Navy Born" with William Gargan and Claire Dodd

(*Republic*, July 1; time, 67½ min.)

A fairly good comedy-melodrama. The plot is not particularly novel, but because the action is fast, one's attention is held throughout. The devotion of three friends in carrying out their promise to their dead pal to rear his child arouses human interest and awakens the spectator's sympathy for these men. The situations showing them trying to care for the child are pretty comical, for all three are bachelors and Navy men without any experience in the care of babies. The second half, where Claire Dodd, the baby's aunt, tries to obtain custody of him, is when the action really starts; and it comes to an exciting finish, when a squadron of aviators from the United States Navy aid Gargan in getting back the child, who had been kidnaped from a hospital by a gangster who had mistaken him for his own baby. The bickering between Gargan and Miss Dodd is not stressed and so is not unpleasant; it eventually turns to love, reconciliation, and a proper understanding with regard to the care of the baby.

Mildred Cram wrote the story, and Albert DeMond and Olive Cooper the screen play. Nate Watt directed it, and Nat Levine produced it with skill. In the cast are Douglas Fowley, George Irving, Dorothy Tree, William Newell, Addison Randall, and others.

Suitable for all. *Class A.*

### "Parole" with Henry Hunter, Ann Preston and Grant Mitchell

(*Universal*, June 14; time, 67 min.)

A fair program melodrama. Although there is no outstanding thrilling situation, the action is pretty fast throughout and at times somewhat exciting. Henry Hunter and Ann Preston awaken one's sympathy by their efforts to do the right thing; for that reason one is held in suspense because of the danger to them when they become involved with racketeers. The methods Alan Baxter, one of the gangsters, is shown using are not particularly edifying; he shoots down two persons in cold blood, and at other times uses force to make honest business men pay him royalties for "protection." The picture, in a rather mild manner, tries to show a way for improvement in the parole system so that hardened criminals will not be freed:—

Hunter, imprisoned for having killed a man by reckless driving, and Grant Mitchell, a lawyer, imprisoned on a charge of having bribed a jury, are cellmates and good friends. Hunter is paroled and is helped by Miss Preston, Mitchell's daughter, to become established. He accepts employment with Alan Dinehart, and is assigned to work with Baxter, a former convict who had won his parole through a ruse. When Hunter finds out that the work he is supposed to do is crooked he resigns; he is warned by Dinehart not to do any talking. Mitchell is granted a parole also and is happy when he returns home to find that his daughter and Hunter are in love. Baxter murders a former convict, involving Hunter. Bernadene Hayes, secretary to Dinehart, who had become infatuated with Hunter, turns over records to the District Attorney showing Dinehart's guilt and clearing Hunter. She is killed by Dinehart's henchmen for doing this. Eventually Dinehart and his gang are cleaned out. Hunter is commended for his good work and his release is signed. He marries Miss Preston, and plans to go to a small town with Mitchell to practice law.

Kubec Glasmon, Joel Sayre and Horace McCoy wrote the story and screen play. Louis Friedlander directed it, and Robert Presnell produced it. In the cast are Noah Beery, Jr., Alan Hale, Berton Churchill, and others.

Because of the activities of the gangsters it is unsuitable for children. Adult entertainment. *Class B.*

### "Hearts Divided" with Marion Davies

(*First National*, rel. June 6; time, 69 min.)

Just fair. Though Miss Davies tries her hardest, something went wrong with the story, which, under "Glorious Betsy," made an excellent picture in 1928. The characterizations are one of the faults. For instance, Napoleon is shown, after making a dramatic appeal to the heroine to give up his brother, laughing the matter off, saying to one of his aides that he had put over a fine piece of dramatics. This cannot help displeasing the spectator, who believed him earnest.

Another fault is in the casting: Mr. Raines does not make a convincing Napoleon. Miss Davies is winsome, and there is no reason why the picture should not have turned out as deeply appealing as the other version. In the first half there is considerable comedy, provoked by Charlie Ruggles, Edward Everett Horton and Arthur Treacher:—

Napoleon is in need of money and is not averse to selling Louisiana to the United States, which wants it for reasons of national safety. But he, in order to get a high price, acts in a dictatorial way, demanding \$20,000,000 for it, in a take-it-or-leave-it manner. He sends his brother Jerome to America to get the highest price possible. In America, Jerome gives his aides many heartaches, because every time they announced him he did not show up; he had been having the time of his life going around incognito. Jerome meets the heroine, daughter of a noted Baltimore family and, under an assumed name, he is engaged to be the heroine's French tutor. The two fall in love with each other, and promise to marry. But a letter is received from Napoleon ordering him to return. Jerome is eventually compelled to disclose his identity. This certainly creates a deep impression upon the heroine and her family. When the heroine chided him for having kept his identity secret, he told her that he wanted her to love him for himself and not for his position. The hero does not wish to obey his brother because that would mean a separation from the heroine. But the heroine goes along, feeling sure that she would win Napoleon over to their marriage. When they reach Marseilles Napoleon boards the ship and pleads with the heroine to give up his brother, for France. The heroine eventually gives him up.

Dick Powell takes the part of Jerome. Some of the others in the cast are Henry Stephenson, Clara Blandick, Etienne Girardot, and Halliwell Hobbes.

Suitable for the entire family. *Class A.*

### "The Mine with the Iron Door" with Richard Arlen and Cecilia Parker

(*Columbia*, May 15; time, 64½ min.)

Mild entertainment. It is a thin and far-fetched program melodrama, developed in an uninteresting manner; it lacks mass appeal. The only excitement it creates comes in the closing scenes where Henry B. Walthall, a religious maniac, attempts to kill Cecilia Parker in order to keep her pure. The rest of the story deals with the efforts of Richard Arlen and of Stanley Fields to locate a hidden treasure. Very little imagination has been used in the manner in which he goes about trying to locate it; therefore, when he finally does find it the spectator is not particularly thrilled. The comedy relief is fair. The romantic interest is pleasant:—

Arlen buys up the stock of a bankrupt company covering property in Arizona which was supposed to contain a mine where an enormous fortune was hidden. Fields becomes a partner by financing the trip to Arizona. They find on their property Miss Parker, Spencer Charters, her grandfather, and Walthall, who had been living there for a number of years. Arlen and Miss Parker fall in love with each other. This infuriates Walthall who feels that Arlen is an intruder. Arlen finally traces the mine to the ground where Walthall had built his house. He arrives there in time to save Miss Parker from death. Walthall, who had found the hidden treasure years previously, had refused to tell Arlen of it because he had felt that money caused trouble; he wanted to kill Miss Parker in order to keep her untouched from the evils of the world. Walthall dies. The treasure brings great fortune to Arlen and Fields. Arlen and Miss Parker marry.

The plot was adapted from the novel by Harold Bell Wright. Don Swift and Dan Jarrett wrote the screen play, David Howard directed it, and Sol Lesser produced it. In the cast are Charles Wilson, Barbara Bedford, and others.

Suitable for all. *Class A.*

### ABOUT THE FORECASTER

Mailing of the first copies of the *Forecaster* began this week. They contain forecasts of MGM novels, stage plays and magazine stories.

Those who contemplate subscribing to this service should send their order with a check at once so that they may receive each issue as fast as it is printed.



# Anti-Trust Litigation in the Motion Picture Industry—No. 10

By George S. Ryan

## (9) CONSPIRACY TO BOYCOTT OR DESTROY COMPETITORS (Continued from last week)

Shortly thereafter a trial commenced in the same court at St. Louis before a different judge on the Government's petition in equity for an injunction to restrain an alleged conspiracy among the defendants of the character charged in the indictment. At the close of the Government's evidence, however, its counsel asked that the petition be dismissed without prejudice to another suit for the same cause, explaining that the Government had been seriously hampered in the presentation of its evidence by "the absence of many of the important actors in the conspiracy" who had not been joined as defendants.<sup>81</sup> From the decree granting the motion and dismissing the petition, the defendants appealed to the Supreme Court.

The next move in that interesting litigation was a petition in equity by the Government in the Federal Court in New York City to enjoin a conspiracy in restraint of interstate commerce among the same defendants and a number of individuals therein named. The allegations were broader than in the original petition, but related chiefly to the situation in St. Louis.<sup>82</sup>

Within a few months thereafter an information in *quo warranto* was brought in the Supreme Court of Missouri by the Attorney General of that State against Warner's operating subsidiary, and against the distributing companies of Warner, Paramount and RKO. It alleged that the defendants had violated the laws of the State and had flagrantly abused their rights and franchises as corporations; and it asked that they be excluded from all corporate privileges, and that their franchises and rights under the laws of the State be forfeited.<sup>83</sup>

Before either of the two last mentioned proceedings could be brought to trial an agreement was made between the parties to the dispute in St. Louis, Fanchon & Marco, Inc., and the three major distributors, by which the former received ten-year franchises for Warner and RKO product and an agreement from Paramount that it would not refuse to sell for any reason other than price, and by which Fanchon and Marco, Inc., assumed the operation of two Warner first-run and twenty neighborhood theatres. A stipulation was entered into between the government and the defendants and the suit dismissed.<sup>84</sup>

On May 12, 1936, the information by the Attorney General of Missouri was dismissed by consent.<sup>85</sup> On May 25, 1936, the appeal of the defendants in the equity suit at St. Louis was dismissed by the Supreme Court of the United States, without a written opinion.<sup>86</sup>

Thus came to a close the most interesting, and perhaps the most important, anti-trust litigation in the history of the motion picture industry. In every substantial respect it was a victory for the Government. To quote the language of the stipulation in the New York equity suit, it established "a situation in harmony with law."

In Canada under different statutes, however, the distributors were completely successful.<sup>87</sup> There it appeared that the Attorney General of Ontario had secured an indictment on the grounds that the major distributors and certain affiliates and theatre operators constituted a combine, in violation of the Combines Investigation Act, and that they had conspired unduly to prevent or lessen competition in the purchase, barter or supply of articles of trade or commerce, to-wit, positive films of moving pictures or talking pictures. A judge of the Province, who heard the case without a jury, made a finding of not guilty. Although criticising some activities, such as threats and coercion by theatre operators and delays in the delivery of films to independent exhibitors, he found no attempt at price fixing between exchanges, no unfairness in protection or arbitration, and no specific refusal to grant cancellation privileges or to make selective contracts.

It is worthy of note, however, that the language of the statutes under which the indictment was brought is different from the text of the Sherman Act, and that the judge refused to follow the decisions of the Supreme Court of the United States in the *Arbitration and Credit Cases*, or the opinion of the Federal Court in Connecticut in the *Majestic Theatre Case*.<sup>88</sup> After referring to them he declared:

These authorities are not binding upon me of course, but I have read them carefully since they are the only decisions referred to in the argument relating to the

moving picture industry. They were all I think decisions under the Sherman anti-trust law and for that reason I think are quite distinguishable from the present case. . . .

Having read these cases with care, as already stated, I am of opinion that the facts in each of them, as apparently established by the evidence, go further than the facts in this case, and that in any event, as already indicated, they are decisions under a statute fundamentally different from our own statute, and therefore are not safe guides to be followed by me in disposing of the questions involved in this prosecution, and that the attempt made in the present case to have the Court go the length that these decisions go would not be justified by any Canadian or English decision that I am aware of.

In 1933 a bill of complaint was filed in the New Jersey Chancery Court by *Praxam Amusement Corporation* against *Skouras Theatre Corporation* and the major distributors.<sup>89</sup> The plaintiff's application for a temporary injunction was denied, on the ground that relief should not be given without a trial on the merits except in unusual cases or where the facts were beyond dispute.

There have been other actions by independent exhibitors against the major distributors, in which the charge of conspiracy to boycott or destroy competitors has been made. But in a paper of this kind it is impracticable to discuss or even to list all these actions. Some of them have not been pressed to trial. Many of them have been settled, directly or indirectly, or have been abandoned because of the great expense of preparation and trial. In a few, the plaintiffs have prevailed.<sup>90</sup> In others, the defendants have been successful.<sup>91</sup> Very seldom have these cases appeared in the official law reports; and in the absence of a summary of the facts and the rulings of law, it is difficult to educe from them any legal principles or theories.

It is interesting to note, however, that an action against the major distributors by an independent distributor, Ivan Abramson, in the United States District Court in New York City, resulted in a settlement a short time before it was to be reached for trial.

While the National Industrial Recovery Act was in effect there was a temporary cessation of any anti-trust actions, because of the general impression that the Recovery Act nullified the Sherman Law. Instead, there came a deluge of complaints by exhibitors to Grievance Boards and Zoning and Clearance Boards in every section of the country, based principally on overbuying of product by producer-controlled theatres and on unreasonable protection. Since the Recovery Act was declared unconstitutional, however, anti-trust actions have been brought in increasing numbers.

In themselves, perhaps, many of these suits and complaints have been insignificant, in either the amount of money involved or the principles of law in issue. But, taken in conjunction with the decisions already discussed, they disclose a very unhealthy condition in the industry—a feeling of distrust and unrest, a sense of injustice and oppression—which sooner or later must be alleviated.

<sup>81</sup> Motion Picture Daily, Jan. 30, 1936.

<sup>82</sup> *United States v. Warner Brothers Pictures, Inc., et al.*, D.C. S.D. N.Y. The text of the petition appears in the Motion Picture Herald for February 29, 1936.

<sup>83</sup> *State of Missouri, ex rel v. General Theatrical Enterprises, Inc., et al.* The text of the information is given in Motion Picture Herald of April 25, 1936.

<sup>84</sup> Motion Picture Daily, May 1, 1936, contains the text of the stipulation. See comment in Harrison's Reports of May 9, 1936.

<sup>85</sup> *Id.*, May 13, 1936.

<sup>86</sup> *Id.*, May 26, 1936.

<sup>87</sup> *Rex v. Famous Players, et al.*, 1932 Ont. Rep. 307.

<sup>88</sup> See the discussion of these decisions under the caption "(2) Standard Contract: Arbitration and Credit" in the issue of April 25, 1936.

<sup>89</sup> *Praxam Amusement Corporation v. Skouras Theatres Corporation, et al.*, 173 N.J. Eq. 509, 167A. 672.

<sup>90</sup> Actions in which the trade press have reported verdicts or judgments for the plaintiffs, in addition to the cases already mentioned are: *Victor Newton v. Omaha Film Board of Trade, et al.*; United States Dist. Ct., Omaha, Nebraska; judgment for \$2,000.

<sup>91</sup> Action by Sun Amusement Company against the major distributors, U.S. Dist. Ct., Lincoln, Nebraska. Directed verdict for defendants in June, 1932, because the action was brought in the name of the wrong person. A new suit was reported to have been instituted in December, 1934, by an associated corporation, *Frank Rembusch Enterprises v. Motion Picture Producers and Distributors of America, Inc.*, and major distributors, U.S. Dist. Ct., New York City; Complaint withdrawn or dismissed during trial. See Motion Picture Herald, March 10, 1934.



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## A REVIEWING SERVICE FREE FROM THE INFLUENCE OF FILM ADVERTISING

Vol. XVIII

SATURDAY, JUNE 27, 1936

No. 26

### Anti-Trust Litigation in the Motion Picture Industry—No. 11

By George S. Ryan

#### CONCLUSION

What is the remedy?

From the foregoing it has been observed that, in various proceedings throughout the United States covering a comparatively brief period, the courts have declared, either with or without the enforced consent of the defendants, that in many respects the major distributors have violated the federal anti-trust laws. Justices of the United States Supreme Court and judges of circuit courts of appeals and district courts from the Atlantic to the Pacific have vigorously condemned specific combinations and practices. They have found the major distributors guilty of conspiracy in connection with arbitration and credit, double-featuring, protection, monopolizing product, and boycotting independent competitors. In clear language they have also declared that any joint action is illegal when it restrains interstate commerce, either by the establishment of admission prices or the maintenance of block-booking, especially when accompanied by coercion. They have branded illegal the acquisition of the capital stock of competing corporations in violation of the Clayton Anti-Trust Act.

In decisions already cited it has appeared that the effective cause of the establishment and maintenance of three of the most important and profitable practices—namely, arbitration, credit and protection—has been the Motion Picture Producers and Distributors of America, Inc. In other proceedings it has been charged that this very efficient trade association, the Hays Organization, has been the instrumentality by which other trade practices have been established.

It is also noteworthy that, since the beginning of the third decade of this century, there has been a tremendous increase in the number of theatres operated by producer-controlled corporations, and an equally significant decline in the number of films manufactured by independent producers. Few of these producers have been able to survive for more than two or three years. Testimony elicited at a trial in Wilmington last year<sup>22</sup> disclosed a series of agreements by the "Big Five" major distributors with ERPI in regard to the recording of sound. Now there is talk of a colossal combination of all the major distributors to purchase that company.<sup>23</sup> Recently, the trade papers reported a great expansion by the majors in the field of exhibition.<sup>24</sup> Rumors have been current of prospective mergers by the major companies into a "General Motors" of the industry<sup>25</sup> and of interlocking stock interests of major executives.<sup>26</sup>

Will history repeat itself? Now that business is definitely on the upgrade and many major companies have shaken off substantial proportions of their liabilities by means of receiverships and reorganization proceedings, will the producer-distributors resume their career of expansion? Is there to be another era of conquest and extermination?

What is to prevent it?

Relief might conceivably come from any one of four sources: (1) the Congress of the United States; (2) state legislatures; (3) the independent exhibitors themselves; (4) the Department of Justice.

(1) The first source may be eliminated from consideration. The Congress apparently are ready to adjourn, without definite action on the Neely-Pettengill bill to abolish block-booking and blind-buying. If they are unable or unwilling to legislate upon these comparatively simple practices, no one may reasonably hope that they will attempt to solve the other complex and intricate problems disturbing the industry. It should not be forgotten, however, that former Congresses have placed the anti-trust laws on the statute books; and these laws, if properly enforced, may provide the necessary solution.

(2) No effective assistance may be looked for from state legislatures. The commerce affected is not local, but interstate, with which state legislatures and local administrative agencies have no constitutional right to interfere.

(3) God helps those who help themselves. If the independent exhibitors, now eking out a precarious existence, are to survive not only the current oppressive conditions but also a renewal of the aggression on a large scale, they must take active measures to defend themselves. Eternal vigilance is the price of safety.

In the past a number of actions under the anti-trust laws have been commenced by independent exhibitors. Except in the *Youngclaus Case*, and the *Perelman Case*, however, none has terminated, after a complete trial on the merits, by a written decree or opinion establishing a precedent which would be a guide to other exhibitors having similar grievances. An anti-trust suit is not a minor undertaking. It is a costly, protracted proceeding, which may necessitate the expenditure of considerable sums of money, not only for legal services but also for expenses in securing and presenting evidence. To the exhibitor who has been forced out of business or badly crippled in the operation of his theatre, it is an almost insurmountable barrier. For that reason, perhaps, many of the actions have not been pressed to trial.

In the present state of the law it is hardly fair that problems which relate to an entire branch of an industry should be adjudicated at the expense of a few men. Common problems require united effort. The founders of the nation recognized the value of unity. During the period immediately preceding the American Revolution they disseminated the axiom that "In Unity is Strength." They published a drawing of a dismembered serpent, each part bearing the name of one of the original Colonies, with the caption "Unite or Die." The moral was plain; the advice was adopted; the Colonies did not die, but they united to form the greatest republic in the history of mankind.

No independent exhibitor can stand alone against the combined wealth and power of eight major producing and distributing companies, controlling practically all the valuable product in the industry, at least five of which operate chains of theatres. Nor can individual exhibitors profitably carry on hundreds of anti-trust actions in scores of courts throughout the United States, many of the cases being insufficiently financed or inadequately prepared and presented.

The first thing required, therefore, is an arrangement for collective effort by independent exhibitors to solve the common problem of enforcing the anti-trust laws. This may be accomplished through existing associations, or, through a single national organization, with state or sectional branches, embracing every independent theatre owner, but rigorously excluding every affiliated exhibitor.<sup>27</sup> Such a body would be in a position to receive complaints, collect evidence, secure competent legal advice, and to take any proper action, financial or otherwise, to serve its members. With adequate facilities and with machinery adapted to the accomplishment of its purposes, it might, if the government does not act to relieve the situation, take steps to have all controverted questions properly adjudicated.

(4) But the problem is, after all, one that intimately concerns the federal government. By its control of interstate commerce, it has taken out of the hands of the various states the power to regulate monopolies and eliminate restraints of interstate trade. It therefore has the duty to eradicate such evils itself; and that duty was recognized

(Continued on last page)



**"White Angel" with Kay Francis***(First National, July 4; time, 91 min.)*

Very good! It is a dramatic presentation of the highlights in the career of that noble character—Florence Nightingale—the woman who brought dignity to the profession of nursing. In a way it is similar to "The Story of Louis Pasteur" although not as dramatic. It nevertheless has audience appeal, particularly for women, who will appreciate Miss Nightingale's sacrifices and struggles on behalf of her sex. As portrayed by Kay Francis, the character of Miss Nightingale is inspiring. Her poise, warmth, and love of humanity awakens so deep a sympathy that one follows her career with the utmost of interest. As Pasteur had to struggle against the bigotry of the doctors of his day, so did Florence Nightingale have to struggle against the ignorance, obstinacy, and pettiness of her superiors before she obtained recognition for her profession. The picture is almost completely devoid of romance, for Miss Nightingale's life was one of service to humanity without thought of her own personal needs and happiness. She refused to marry the man who loved her, feeling that, if she had to live the sheltered life her mother and sister had led, she would stifle. Her dream was to do something real, something that would enrich her life; and so she chose nursing. The scenes showing her arriving at the Crimean war zone, and making a tour of inspection of the hospitals where the soldiers were stationed, being given a cold reception, are deeply moving. Her undaunted spirit in bringing order out of chaos, and happiness where misery once existed, touches the spectator's heart. The thing that awakens the audience's sympathy most is the fact that Miss Nightingale gave up a luxurious home to work in squalor and filth to alleviate the sufferings of the wounded. An extremely touching scene is that in which Miss Nightingale is shown walking through the wards at night to see if all her patients were comfortable. Her doing so inspired a well-known poem—"The Lady With the Lamp."

Mordaunt Shairp wrote the screen play from the story by Michel Jacoby. William Dieterle did a fine job of directing, and Henry Blanke produced it well. The cast is excellent; in it are Ian Hunter, Donald Woods, Nigel Bruce, Henry O'Neill, Donald Crisp, and others.

Suitable for all. *Class A.*

**"The Big Noise" with Guy Kibbee***(Warner Bros., June 27; time, 56½ min.)*

Mild program fare. It is a rehash of the familiar theme of the retired millionaire who seeks diversion in a business unknown to his family. A modern note has been added to the plot by inserting into it a touch of gangsterism; but this doesn't help much. It may amuse elderly folk, who will sympathize with Guy Kibbee in his efforts to be useful; but, aside from a slight romantic affair between Warren Hull and Alma Lloyd, it will have little appeal for young people. The manner in which Kibbee outwits the gangsters is fairly amusing:—

Kibbee is compelled to retire from active service in the woolen mills he had founded because of his opposition to the new business methods of selling cheap material proposed by William Davidson. He goes to California with his wife and daughter, and, on the advice of his gardener, and unknown to his family, buys a half interest in a cleaning establishment. The other half is bought by Warren Hull. The first day in business Kibbee receives a message from the gangster who ran a "protection association" that the former owner owed him \$2,000 in back dues; he demands that Kibbee pay it. Kibbee outwits the gangsters by pitting them against a rival gang, thus getting rid of both gangs. He wins recognition for his deeds and makes his identity known to Hull. Kibbee receives an offer to return to his post at the woolen mills, which was in a state of collapse because of the cheap material that they were selling. He accepts, taking Hull with him as a partner. He is happy when Hull tells him he loves his daughter.

Edward Hartman wrote the story, and George Bricker and William Jacobs the screen play. Frank McDonald directed it, and Bryan Foy produced it. In the cast are Alma Lloyd, Dick Foran, Marie Wilson, Henry O'Neill and others.

Suitable for all. *Class A.*

**"Educating Father"***(20th Century-Fox, July 10; time, 57 min.)*

A pleasant program domestic comedy, similar in content to "Every Saturday Night." The same players who comprised the Jones family in that picture appear in this one, too. Audiences who enjoyed the first one should find this entertaining also for it continues on where the other left off. As in the other, there is human appeal because of the realistic manner in which the daily life of the family, with its trials and tribulations, is portrayed. Only this time there is a little more conflict in the plot; it is caused by the father's (Jed Prouty's) refusal to permit his eldest son (Kenneth Howell) to go in for aviation. The manner in which he is brought around to his son's way of thinking provokes much laughter and causes some thrills—Howell makes a perilous trip by plane to mountain country where his father had gone on a fishing trip, his purpose being to bring him back to town in time to sign the lease to his drugstore, the lease to which was sought by a chain. After this trip the father consents to his son's becoming an aviator. There is comedy in some of the situations. The funniest one is that in which Dixie Dunbar, a silly young girl, who had hidden in Howell's plane, tries to manipulate the steering stick, nearly wrecking the plane. There is no romantic interest; the story revolves around the family and their typical American life.

Katharine Kavanaugh, Edward T. Lowe and John Patrick wrote the original screen play; James Tingling directed it, and Max Golden produced it. In the cast are Shirley Deane, Spring Byington, June Carlson, Florence Roberts, and others.

Suitable for all. *Class A.*



**"Poppy" with W. C. Fields, Rochelle Hudson and Richard Cromwell**  
(Paramount, June 19; time, 72 min.)

If it were not for W. C. Fields this would be trite entertainment. He enlivens the scenes in which he appears by his customary tricks and peculiar dialogue, and although what he does is familiar it is, nevertheless, comical. But when he is off, the action lags considerably and even becomes boring. This is owing to the weak plot, which serves merely as a framework for Fields' antics. As it stands, it is fair entertainment primarily for the W. C. Fields' fans.

In the development of the plot, Fields, a carnival barker, and Rochelle Hudson, his supposed daughter, arrive in a small town. The place appeals to Miss Hudson, particularly after she meets Richard Cromwell, the Mayor's son. Fields, by forging a marriage certificate naming as his wife a long missing heiress, is able to convince the executor of the estate that, since his wife died, Miss Hudson is the rightful heiress. Cromwell and Miss Hudson plan to marry. Lynne Overman, the crooked village lawyer who had aided Fields in the fraud, exposes him for his own personal gain. This brings disgrace to Miss Hudson. And she is even more unhappy when Fields confesses that he is not her father. Everything is finally adjusted when it develops that she is really the heiress.

Dorothy Donnelly wrote the story, and Waldemar Young and Virginia Van Upp the screen play. A. Edward Sutherland directed it, and William LeBaron produced it. In the cast are Catharine Doucet, Granville Bates, Maude Eburne, and others.

Suitable for all. *Class A.*

**"Palm Springs" with Frances Langford**  
(Paramount, June 5; time, 71 min.)

Mild program entertainment. Its box-office possibilities are pretty weak because of the lack of star names and the fact that the story is trite. The only attraction for the masses is the music, which is of the popular variety and is sung well by Frances Langford. The romance is developed in a somewhat weak manner and fails to make any impression on the spectator. The comedy is fair, although not amusing enough to provoke hearty laughter. One feels some sympathy for Miss Langford in the closing scenes, where her father, in an effort to dissuade her from marrying David Niven, a wealthy idler, refuses to admit that she is his daughter:—

Sir Guy Standing, a titled but impoverished Englishman, keeps Miss Langford, his daughter, at a fashionable school. She does not know of her father's title, nor that he had become a gambler by profession in order to support her in style. When she is expelled from school for gambling, she leaves for Palm Springs expecting to find her father there as a guest. Instead she finds him and Ernest Cossart, his butler, in charge of gambling tables at the casino. Determined to help him, she decides to marry a millionaire. Cossart suggests that she assume the name of a titled lady, without telling her that it is her real title. She attracts Niven, a millionaire, and accepts his marriage proposal, even though

she had fallen in love with Smith Ballew, a crooning, penniless cowboy. Her father does not want her to marry for money. He permits his identity to become known and then denies that Miss Langford is his daughter. This puts her in the position of an imposter and she is compelled to break her engagement to Niven. She goes to Ballew, who greets her with open arms.

The plot was adapted from the story "Lady Smith" by Myles Connolly. Joseph Fields wrote the screen play, Aubrey Scotto directed it, and Walter Wanger produced it. In the cast are Spring Byington, E. E. Clive, Sterling Holloway, and others.

Suitable for all. *Class A.*

EDITORS NOTE: The picture is a fine advertisement for Palm Springs, the California gambling winter resort.

**"Secret Agent" with Peter Lorre, Madeliene Carroll and Robert Young**  
(Gaumont-British, July 1; time, 82 min.)

A pretty good espionage melodrama. It is exciting. The plot subtly blends comedy and romance with melodrama. Some of the situations hold the spectator in tense suspense. The most exciting situation is where Peter Lorre and John Gielgud, co-spies, trapped in a factory where enemy spies were stationed, manage to escape and at the same time obtain the information they had gone after. Parts of the picture are somewhat brutal. The unnecessary death of Percy Marmont, an innocent man mistaken for a spy, touches one deeply; at the same time, because of clever directorial touches, the scenes leading up to his murder are thrilling. The romance between Gielgud and Madeliene Carroll is developed pleasantly:—

Gielgud and Lorre, spies working for the British government, are sent to Switzerland to discover the identity of the master enemy spy and to kill him. When Gielgud arrives there he is surprised to find that he had been assigned a "wife" in order to make everything look more natural. Suspicion falls on Marmont as the spy, and Lorre callously throws him off a cliff only to learn that he had killed the wrong man; this amuses him. Eventually they discover that Robert Young, a personable young American who had been paying marked attention to Miss Carroll, is the German spy they are after. Miss Carroll, who had fallen deeply in love with Gielgud, tells him she will not permit him to kill Young because she did not want him to have a murder on his hands. Young gets away with Lorre, Gielgud and Miss Carroll in pursuit. They all meet on a train bound for Constantinople. Just as Lorre is set to kill Young, the train is wrecked. Young reaches for a gun and kills Lorre; he then dies. Gielgud and Miss Carroll, disgusted by the brutality of their work, give it up and marry.

The plot was adapted from a story by Somerset Maugham and the play by Campbell Dixon; Charles Bennett wrote the screen play, and Alfred Hitchcock directed it. In the cast are Florence Kahn, Charles Carson, and others.

Aside from the fact that it may be too brutal for children, it is suitable for all. *Class A.*



by several Congresses in passing the Sherman Act, the Clayton Act, and other anti-trust laws.

In the past the government has rendered a distinct contribution to the economic security of the country by its successful prosecution of violators of the anti-trust laws. It has caused the dissolution of the Standard Oil Company,<sup>92</sup> the "Tobacco Trust,"<sup>93</sup> the "Power Trust,"<sup>94</sup> the "Bath Tub Trust,"<sup>95</sup> the "Beef Trust,"<sup>96</sup> to mention only a few. It has secured stringent decrees against such companies as the American Can Company,<sup>97</sup> the Corn Products Co.,<sup>98</sup> Eastman Kodak Company,<sup>99</sup> and the Great Lakes Towing Company.<sup>100</sup> It has effectively restrained the illegal action of many trade associations and other combinations.<sup>101</sup> In the motion picture industry it has not only caused the dissolution of the Motion Picture Patents Company,<sup>102</sup> the original monopolist, but has also obtained several decrees enjoining illegal practices of the major distributors and affiliated exhibitors, and, after an initial set-back, has brought the *St. Louis Case* to a satisfactory termination.

Except in the *Arbitration* and *Credit Cases* none of the decrees in motion picture suits has had a national effect. In the proceedings involving protection, block-booking and monopoly of product, the results have been confined chiefly to Southern California and Northern Illinois. Substantially all the challenged practices of the distributors, however, are alleged to be in effect throughout the entire country by agreement or concert of action among them. In an address to the court at St. Louis, Russell Hardy, Esquire, Special Assistant U. S. Attorney-General, declared that the local situation was "but a small segment of this great generic conspiracy."<sup>103</sup>

The great economic evil now afflicting the industry is the control of all the essential elements of production, distribution and exhibition by a group of five large corporations and three smaller companies, which are united in a formidable trade association. Control of production and distribution, as already pointed out, is enough to ruin any competing exhibitor. Control of exhibition is sufficient to destroy any independent producer or distributor.

In view of the fear and unrest prevalent in the industry, it would seem as if the time had now come for a definite and conclusive test of all challenged practices, and of the legality of the combination known as the Hays Organization. If there exist practices that are unlawful because of agreement or united effort of distributors; if the major companies are monopolizing interstate commerce in motion picture films; if, as sometimes alleged, the Hays Organization is in itself a combination in restraint of trade—if these allegations can be established, then the evils should be eradicated. But if, on the other hand, no wrong is being done, then the distributors should be vindicated.

The Department of Justice has the power and the facilities to make a final test of all these disputed charges. It has an able and courageous Attorney-General, with efficient and experienced assistants. Instead of bringing separate suits involving specific practices in widely separated localities, it may, in one proceeding, obtain an adjudication of all the challenged practices. In that suit it may join the Hays Organization and the major producers and their affiliates, just as it has joined and successfully challenged other aggregations of wealth and power which have dominated other industries.

A proceeding of that nature would be the acid test of the anti-trust laws. The undertaking may be difficult. It may consume months of trial. But at the end, whatever the result, producers, distributors and exhibitors alike would know what might be done and what should be avoided. Business could proceed along a normal course, without agitation or suspicion. Order would reign in a chaotic industry.

THE END.

<sup>92</sup> *General Talking Pictures and Duovae Radio Corporation v. Electrical Research Products, Inc., et al*, U. S. Dist. Ct. Wilmington, Delaware. *Variety*, May 15, 1936, pp. 5 and 22.

<sup>93</sup> *Electrical Research Products, Inc., the owner of patents controlling the recording and reproduction of sound. See Motion Picture Daily*, June 10, 1936.

<sup>94</sup> See, for example, *Motion Picture Daily*, Jan. 29, 1936.

<sup>95</sup> "Insiders' Outlook" in *Motion Picture Daily*, Nov. 25, 1935.

<sup>96</sup> *Motion Picture Daily*, May 18, 1936.

<sup>97</sup> In the *Quittner Case*, already cited, there was evidence that the producers-distributors, directly or through the instrumentality of the Hays Organization, made contributions of substantial sums of money to the M.P.T.O.A.

<sup>98</sup> *Standard Oil Co. v. United States*, 221 U. S. 1.

<sup>99</sup> *United States v. American Tobacco Co.*, 221 U. S. 106.

<sup>100</sup> *United States v. Du Pont de Nemours & Co.*, 188 Fed. 127.

<sup>101</sup> *Standard Sanitary Mfg. Co. v. United States*, 226 U. S. 35.

<sup>102</sup> *Swift & Co., v. United States*, 196 U. S. 375.

<sup>103</sup> *United States v. American Can Co.*, 230 Fed. 525.

<sup>104</sup> *United States v. Corn Products Refining Co.*, 234 Fed. 964.

<sup>105</sup> *United States v. Eastman Kodak Co.*, 226 Fed. 62; 230 Fed. 522.

<sup>106</sup> *United States v. Great Lakes Towing Co.*, 208 Fed. 733; 217 Fed. 656.

<sup>107</sup> See, for example, *United States v. Addyston Pipe & Steel Co.*, 175 U. S. 211; *American Column & Lumber Co. v. United States*, 257 U. S. 377; *United States v. American Linseed Oil Co.*, 262 U. S. 371; *Eastern States Lumber Ass'n. v. United States*, 234 U. S. 600; *Trenton Potteries Co. v. United States*, 273 U. S. 392; *United States v. Associated Billposters & Distributors*, Decrees and Judgments in Federal Anti-trust Cases, 373; *Sugar Institute Inc. v. United States*, 56 S. Ct. 629; 80 L. Ed. 624.

<sup>108</sup> *United States v. Motion Picture Patents Co.*, 225 Fed. 800; 230 Fed. 541.

<sup>109</sup> *Motion Picture Daily*, January 30, 1936.

## MR. RYAN'S ARTICLES

With this issue goes the last article by the eminent attorney, Mr. George S. Ryan, of Boston (6 Beacon Street.)

HARRISON'S REPORTS feels that the series of articles on Anti-Trust Litigation in this industry is one of its greatest contributions to the independent theatre owners of the United States.

I feel that every independent exhibitor, whether he is a subscriber to HARRISON'S REPORTS or not, is indebted to Mr. Ryan for his unselfishness. The least, then, that those who will read these lines can do is to write to Mr. Ryan and thank him for it.

A suggestion has been made by some exhibitors that these articles be printed in pamphlet form. Since this entails considerable expense, HARRISON'S REPORTS will put these articles in pamphlet form only if enough exhibitors contribute towards the cost whatever they feel like contributing.

If you desire to have these articles printed in pamphlet form, send your check to this office. Your check will be returned to you in case the contributions do not reach the amount necessary.

## ABOUT THE NEELY-PETTENGILL BILL

The Neely-Pettengill Bill has been reported out of the Committee, and was sent back to the Senate with a report recommending its passage along with the Section that provided for the furnishing on each picture by the distributor of a synopsis consisting of at least one thousand words.

Because of lack of space, I am reserving extended comment on the report for next week's issue.

## HARRISON'S DIGEST READY

Whether you have bought your pictures for the 1936-37 season or not, you need *Harrison's Digest*, for it contains information that you can obtain nowhere else.

As I stated in these columns before, the information in this year's *Digest* is presented in a systematized, simplified form; it is the result of last year's experience.

For instance, the flat-rental prices are given along with the percentage terms, so that an exhibitor, by comparing the prices he has paid and the terms he had to accept, with the prices and terms of an exhibitor in a town of the same population, is able to tell at a glance whether he has paid a fair price for his film or too much.

There are no uniform prices and terms, the insistence of the distributors' salesmen to the contrary notwithstanding. As a matter of fact, there are as many variations in sales policies as there are accounts.

Some exhibitors buy all their pictures on a flat-rental basis; others, in towns of the same size, have to submit to the percentage terms. Some do not pay for score; others pay for score. Some pay only \$1 for score; some pay as high as \$5 and even \$7.50. Some do not have to buy the shorts to get the features; others have to buy them.

The information in the *Digest* is the best counter-sales argument an exhibitor could ever have; and since the price is within the reach of all exhibitors, none should fail to provide himself with this valuable information.

The prices are: \$1 for towns of 5,000 or fewer inhabitants; \$2 for towns of more than 5,000 and up to 10,000; \$3 for towns of more than 10,000 inhabitants; \$5 for circuits.



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## The Senate Committee's Report on the Neely Bill

The following are extracts from the Report of the Senate Committee on Interstate Commerce on the Neely Bill, to which Committee this Bill was referred for consideration:

"The logical and only readily available point of contact between the motion-picture industry and the community is the exhibitor. This is particularly true and especially important in the residential sections of the cities and in the rural communities. These local theatres cater to and serve the family trade—including practically all of the juvenile and adolescent moviegoers—as distinguished from the big city downtown houses which are for the most part owned or controlled by the Big Eight and cater to the more sophisticated audiences.

"The representatives of religious, welfare and educational societies and groups, protesting against undesirable pictures exhibited in the local theatres, find that due to compulsory block booking and blind selling the exhibitor is not a free agent in the selection of films, that he must buy blindly and in blocks, and that his failure to exhibit even the most immoral picture included in a purchased block causes him a financial loss which he can seldom afford to bear.

"In like manner they find that the exhibitor is helpless in the matter of obtaining many outstanding pictures not included in the blocks under contract for the reason that three or four blocks of pictures will virtually preempt his playing time and he cannot obtain the meritorious pictures of other producers without buying their entire blocks which, in the circumstances, he cannot possibly use."

"No producer's output consists of a single kind of pictures. On the contrary every producer strives for as wide a program diversification as possible. The tastes and preferences of the theatregoers of different sections of the country, of different communities in a given area, and of different sections of a particular city, greatly vary. Moreover, certain films may be harmless to adults but highly injurious to those of tender years. Since motion pictures cannot be produced for a single type or class the problem presented is largely that of selectivity rather than that of Federal regulation of production."

Under the heading, "Monopolistic Character of the Practices," the Report says partly:

"Not only are the practices of compulsory block booking and blind selling injurious to the public in forcing the showing of obscene or vicious pictures and in preventing the showing of many that are desirable, but they unfairly burden and oppress the independent exhibitors. In no other industry, so far as the committee is aware, are all the risks of the manufacturer or producer passed on to the

retailer and consumer. The exhibitor, in order to get any films, is obliged to contract to accept and pay for all that the producer sees fit to release during the contract period. He cannot cultivate the good will and suit the preferences of his patrons by selecting the pictures best calculated to please them. Subject to only minor exceptions, the rule is 'all or none.'

"This is made even more burdensome by the fact that in many highly competitive areas the producer-distributors, through their affiliated theatres, are in competition with their customers, the independent theatres. The testimony is persuasive that the producer-distributors do not exhibit many of their poorer pictures in their own first-run theatres, but insist that these be purchased by the independent customers.

"Perhaps the most serious objection to these practices lies in the fact that they tend to monopolize the playing time of the screens of the country and thus discourage independent producers from entering the field.

"Witnesses representing the independent exhibitors cited the gradual shrinkage in the number of producing and distributing companies in the past 8 or 10 years, attributing this to the practices of compulsory block booking and blind selling enforced by the Big Eight. . . .

"So far as the exhibitors are concerned, the practices in question appear to be abnormal and unduly oppressive, and, from the standpoint of independent producers, they have the capacity and tendency to give the Big Eight a virtual monopoly of the screens of the country, both affiliated and independent."

Under the heading, "Provisions of the Bill," the Report states partly:

"The bill is founded on the American principle of home rule and, as pointed out in the testimony, it aims more at a restoration than an innovation in industry practice. It first makes unlawful the compulsory blockbooking of motion pictures and then, to make that provision effective, it requires distributors in selling pictures to furnish to exhibitors a complete and true synopsis of each picture. . . ."

"The bill is in effect as much a relinquishment as exertion of the power of Congress over interstate commerce in that it enables communities freedom of selection of motion-picture films shipped in interstate commerce in much the same way that Congress from time to time has yielded to the States local option in respect to intoxicating liquors shipped in a similar manner. . . ."

Under the heading, "Economic and Practical Aspects of the Bill," the Report says:

(Continued on last page)



**"San Francisco" with Clark Gable,  
Jeanette MacDonald, Clark Gable and  
Spencer Tracy**

(MGM, June 26; time, 114 min.)

Powerful entertainment, suitable for all types of audiences. It combines virile melodrama of the Barbary Coast days with romance and music, and, without sermonizing, subtly brings in a message of religion. And for sheer thrills and marvelous blending of processed shots, nothing like the earthquake scenes shown here have ever been seen. The tremor, the collapse of buildings, the splitting of sidewalks, the avalanche of bricks, the sudden outbursts of flame, the injury of people—all these occurrences have been handled so expertly that one feels as if one is watching scenes of an actual earthquake. And the realistic background of the year 1906 has been reproduced with strict fidelity to the times, lending power to the story. The music, of both the popular and operatic variety, is excellent; it fits into the story well, never retarding the action. The romance is developed in a way to please spectators:—

Clark Gable, owner of gambling establishments on the Barbary Coast, is noted for his fairness and courage. Spencer Tracy, a priest, and Gable's best friend, is unhappy at Gable's scoffing at religion, and unsuccessfully tries his best to convert him. Jeanette MacDonald is engaged as a singer in Gable's dance hall. He falls in love with her as she does with him; she turns down the offers of Jack Holt, a wealthy society man, to establish her in opera. Eventually, fearing that she might succumb to Gable's impassioned love-making. She runs away and joins the opera company. She is acclaimed at her debut. Gable calls to see her and proposes. She leaves everything to go back as a singer in his dance hall. A fight between Gable and Tracy, who resented the fact that Gable was cheapening her, changes her attitude towards Gable and she leaves. Holt, in an effort to ruin Gable, closes down his gambling houses. Miss MacDonald tries to help Gable out at a ball by appearing as the representative of his dance hall and singing, winning the \$10,000 prize; but Gable, disgusted at the fact that she had become engaged to Holt, throws the money at her. Just then there is a tremor and the building begins to collapse, and fire to break out. Gable escapes and wanders about looking for Miss MacDonald. Finally he finds her with Tracy, tending to the wounded. For the first time in his life he feels religious and falls to his knees, thanking God. The lovers become reunited.

Robert Hopkins wrote the story, and Anita Loos the screen play. Wm. S. Van Dyke directed and produced it. In the cast are Jessie Ralph, Ted Healy, Shirley Ross, and others.

Children will not understand the sex implication. Suitable for all. *Class A.*

**"Trapped by Television" with Lyle Talbot  
and Mary Astor**

(Columbia; June 15; Running time, 62 min.)

A fair program grade picture. The action is somewhat slow except in the closing scenes, in which Talbot, with the aid of Mary Astor, proves the practicability of his television invention. Comedy is provoked by the actions of Nat Pendleton, an enthusiastic, would-be scientist. The romance between Miss Astor and Talbot is pleasant:—

Sent to collect a bill from Talbot, Pendleton, to his delight, discovers him to be an inventor and promptly forgets about bills. They become good friends and with the help of Pendleton, Talbot, needing more money for his invention, gets a job collecting bills. His first call is on Mary Astor, a promoter of shady schemes, with whom he becomes friendly. She sees a great opportunity to make some easy money from Talbot's invention, which she thought valueless. She gets from Thurston Hall, president of a broadcasting company, \$200, which she intends keeping, but when she sees how much the invention means to Talbot she gives him the money, enabling him to finish the machine. His tests at home prove successful but when shown to the officials of the broadcasting company it fails. Standish, general manager of the company, had tampered with the machine so as to give one of his friends an edge over Talbot. Talbot fixes the machine and gives a second test. Standish and his henchmen again try to destroy the machine but are unsuccessful. Talbot had battled them off long enough to prove the usefulness of his invention and also to trap the culprits. Talbot and Miss Astor marry.

The plot was adapted from the story by Sherman Lowe and Al Martin. Lee Loeb and Harold Buchman wrote the screenplay and Del Lord directed it. In the cast are Nat Pendleton, Joyce Compton, Thurston Hall and others.

Because of the brutal murder, it is hardly suitable for children, adolescents or for Sundays. Adult entertainment. *Class B.*

**"And Sudden Death" with Randolph Scott  
and Frances Drake**

(Paramount, June 19; time, 64 min.)

As entertainment this falls a little flat. It is more or less of a sermon against fast automobile driving, with a thin surrounding plot. Most of the characters are weak and do nothing to awaken one's sympathy. During more than half of the picture, Frances Drake (the heroine) is shown as being reckless and callous, driving her car at a high rate of speed, regardless of law and order. The fact that she learns her lesson after her brother's reckless driving kills an innocent child, and willingly goes to prison to shield him, tends to lessen one's displeasure. The speeding and the consequent accidents, although somewhat thrilling, may prove to be a little too harrowing for an average audience. The love affair is developed in a mild manner:—

Miss Drake, after receiving four tickets for speeding, is brought before Randolph Scott, the police lieutenant in charge of traffic. He lectures her and shows her pictures of horrible accidents caused by speeding. They become good friends and eventually fall in love. A group of friends set out in automobiles for a party, and Miss Drake goes with Tom Brown, her brother, who was drunk. She drives at first but later he insists on taking the wheel and speeding. They crash into a bus filled with children. One child is killed. Miss Drake takes the blame and is arrested. She is tried and convicted; her brother, although he loves her, is too cowardly to talk and lets her go to prison. Scott, who had suspected that Brown was guilty, questions him; this frightens him. He runs away and starts speeding in his car. Losing control, he crashes down a cliff. Just before he dies he confesses. Miss Drake is freed. She marries Scott.



Theo. Reeves and Madeleine Ruthven wrote the story, and Joseph M. March the screen play. Charles Barton directed it and A. M. Botsford produced it. In the cast are Billy Lee, Fuzzy Knight, Porter Hall, and others.

Morally suitable for all. *Class A.*

**"Easy Money" with Onslow Stevens  
and Kay Linaker**

(*Invincible*, June 15; time, 66½ min.)

A good melodrama. From the standpoint of production, acting, and story, it measures up to major company product. And it holds the spectator in suspense throughout, owing to the interesting plot and the fast action. The closing scenes, where the gangsters attempt to kill the hero and the heroine, who had discovered their connection with fraud cases, are exciting. The fact that all the gangsters are caught in the end tends to lessen the demoralizing effect of their murderous acts. Some of these acts, such as the beating to death of Allen Vincent when he attempts to quit the gang, are somewhat brutal. The romantic interest is pleasant:—

The insurance companies become suspicious when a number of peculiar accident cases are started by the same firm of attorneys. They ask the police to cooperate with them in running these cases down. A detective, ordered to trail Vincent, catches him in the act of causing an accident and arrests him. Onslow Stevens, Vincent's own brother, is the Assistant District Attorney assigned to the case. Unwilling to convict his own brother he throws the case and then resigns. But he is determined to uncover the activities of the ring. He applies at one of the insurance companies for a position as investigator. Eventually, with the help of Kay Linaker, his office assistant, Stevens finds that everything points to Noel Madison, an interior decorator, as the head of the gang. On the advice of Stevens, Vincent quits the gang after marrying; for this he is murdered. Stevens traps Madison and his men and turns them over to the police. He later marries Miss Linaker.

Paul Perez and Ewart Adamson wrote the story, and Arthur T. Horman the screen play. Phil Rosen directed it and Maury M. Cohen produced it. In the cast are Barbara Baroness, Wallis Clark, Robert Homans, and others.

Because of the gangster activities it may not prove suitable for children everywhere. Good for adults. *Quality Class A, but suitability Class B.*

**"The Poor Little Rich Girl" with  
Shirley Temple**

(*20th Century-Fox*, July 24; time, 79 min.)

The producers have a great winner in this one, for it is Shirley's best effort to date. Never has she appeared to better advantage; she sings, dances, and jokes in her own individual winning way. This cannot help delighting audiences, both young and old. The music is good, and the songs assigned to her are somewhat more difficult than usual; but she manages them with ease. Each one that she sings is good, the outstanding one being that in which she sings to her dolls in the dialect of the countries they are supposed to represent. And her dancing gets better with each picture. The tap routine with Alice Faye and Jack Haley in the finale is so

good that audiences will go home remembering her in that number, and looking forward to her next picture:—

Motherless Shirley is tired of being pampered by her servants; she wishes to play with other children. Michael Whalen, her father, although devoted to her, is too busy to give her much of his time. Sara Haden, her nurse, who was taking Shirley to a school, meets with an accident at the railway station and Shirley wanders away. Attracted by the organ and monkey owned by Henry Armetta, she follows him to his home and tells him a pitiful story of how she was an orphan and had run away from the orphanage. He takes her in for the night. Haley and Miss Faye, a vaudeville team living in the same house, notice Shirley's talents and decide to take her in their act. They get an audition for a radio broadcast sponsored by Claude Gillingwater, Whalen's business rival. Shirley wins Gillingwater's heart and he engages them. When Whalen hears Shirley's voice over the radio he recognizes it as that of his daughter, and he is amazed, for he had not known that she did not reach school. He rushes down to the broadcasting station to find that Gillingwater had sent Shirley home with her supposed parents. Shirley tells Haley who her father is, and he telephones to him telling him that he was leaving Shirley in his apartment and asking Whalen to go get her. Haley and Miss Faye regret that they had left Shirley alone and rush back in time to save her from John Wray, who was trying to kidnap her. Whalen arrives and there is a happy reunion. He enters into a merger with Gillingwater. Later he marries Gloria Stuart, his rival's publicity agent. He permits Shirley to continue with Haley and Miss Faye on the radio.

The plot was suggested by stories by Eleanor Gates and Ralph Spence. Sam Hellman, Gladys Lehman, and Harry Tugend wrote the screen play. Irving Cummings directed it, and B. G. DeSylva produced it. In the cast are Jane Darwell, Paul Stanton, Charles Coleman, and others.

Suitable for all. *Class A.*

**"Nine Days a Queen" with Nova Pilbeam  
and Cedric Hardwicke**

(*Gaumont-British*, Sept. 1; time, 79 min.)

An artistic production, finely acted, but not mass entertainment; it should appeal mostly to high class audiences. The plot has been taken from historical facts, presenting in an authentic manner the plottings of the ambitious lords after the death of Henry VIII. Intelligent audiences should be fascinated by the methods used by the lords to obtain power. One feels sympathy for Lady Jane Grey (Nova Pilbeam), a victim of the plotters, who was Queen of England but for nine days. She wins her way into the spectator's heart by her charm and simplicity, and by her repugnance for all the scheming. The fact that she is beheaded at the end for a crime of which she was not guilty touches one deeply. As a matter of fact, the excessive number of beheadings will sicken sensitive picture-goers. The romantic interest is incidental.

Robert Stevenson wrote the screen play and directed the picture. In the cast are John Mills, Felix Aylmer, Leslie Perrins, Frank Cellier, Desmond Tester, and others.

Suitable for all. *Class A.*



"There appears to be no sound reason for apprehending that the enactment of the bill will inflict appreciable monetary loss on the motion-picture industry. The measure will effect no shrinkage in the playing time on the screens, there will still be the same number of theatres operating the same number of days a week and the same number of hours a day. And this playing time will have to be occupied by the product of the existing producing and distributing organizations, at least until competition has sprung up under the conditions of free and open competition which will prevail.

"The only change will be that exhibitors will have the opportunity to make up for the poor pictures which they do not purchase by obtaining good pictures not hitherto available to them. To illustrate, if the bill is passed, an exhibitor who heretofore bought the full blocks of Paramount-Metro-Fox, will be free to buy only half of the pictures included in those blocks, and he will be enabled to purchase half of the blocks of RKO, Warner Brothers and Universal.

"In brief, the bill, if enacted, will result in giving additional play dates and extended running time to the good pictures at the expense of the bad, and the public will gain not only from the vital standpoint of selectivity but because of the added incentive on the part of all producers to make better pictures due to the restoration of competitive conditions.

"Both the testimony and every-day observation confirm the fact that the producer-affiliated theatres frequently give extended playing time to unusually popular pictures. To do this they must of necessity discard others of their own production.

"If the producers refrain from showing their poorer pictures in their affiliated theatres, the independent exhibitors should not be compelled to buy them as a condition precedent to obtaining other pictures which they and their patrons desire.

"The main point of attack by the producer-distributors was section 4 requiring the furnishing of synopses. But it is obvious that this provision must be retained if the bill is to accomplish its purpose to establish community freedom in the matter of motion-picture entertainment. The right of selection conferred by Section 3 would be a farce without the provision for supplying information on which the selection would necessarily be based.

"In reporting the bill favorably the committee is confident that it will meet a need for regulation that is constantly growing more acute due to the rapidly increasing influence of the movies on the morals, habits, manners and culture of the country. The regulation provided establishing community freedom on the subject, conforms with the essential principles of our American form of government.

"The contention that the movies have improved in quality during the past 2 years is irrelevant since the public is entitled to choose even as between good pictures. But the recent, feeble reformation is purely voluntary, and there is no assurance that even present imperfect standards will be maintained if this legislation is not passed. Experience teaches that, as a rule, such reforms are sporadic, induced by outbursts of public indignation, and that they are of short duration."

Thus the Committee's Report not only answers effectively almost all the points of contention of the

producers, but vindicates the principles for which Allied States Association of Motion Picture Exhibitors and Harrison's Reports fought for nine long years.

It is true that, between reporting a bill favorably out of a Senate Committee and passing it there is a long road to travel, but we have come nearer to our goal. When Congress reconvenes and the Neely bill is brought up for vote, the members of the Senate cannot help being influenced by the powerful, unassailable logic of this Report.

Exhibitors should not, however, lie down on the job between now and the next session of Congress; they should work on their Senators as well as their members of the House of Representatives. Any relaxing of our efforts now may prove fatal when the bill comes up for vote in both houses.

### **A CONTRACT PROVISION THAT SHOULD BE INSERTED IN CONTRACTS**

The June 18 bulletin of Allied Theatre Owners of the Northwest (Minneapolis) contains the following item under the heading, "Contract Provisions":

"We are enclosing herewith ten stickers which should be included in every film contract you sign this year.

"One of the perennial complaints of the exhibitor is that the reallocation of pictures, including the lifting of poorer pictures to higher classifications and the non-delivery of pictures in the lower brackets, tends to raise the average price of his features as figured at the time the contract was signed.

"To insure against this and to make certain that the average price at the end of the season will be the average originally figured upon, is the job of the enclosed sticker. Put in your estimated average in the space provided and you will be protected in this matter.

"The sticker will also protect the exhibitor against the demands of the distributors in the field of short subjects. It is self-explanatory and merely provides that the exhibitor shall not be forced to pay for, or play, more shorts than he requires. Put in your own figure in the space provided, whether it be one, two, or three, and then make sure that you do not pay for, or play, a number of shorts which is in excess of the proportion indicated in the clause as you put it on, and in, your contract."

The sticker referred to in this article reads as follows:

"Contracts for features and short subjects, for the season 1936-37, have been signed coincidentally.

"It is mutually understood and agreed that should any of the features contracted for not be released, the average cost per feature shall, in any event, not be in excess of \$..... and that the exhibitor shall have the privilege of cancelling such portion of the short subjects as will reduce the total number to an amount not greater than ..... for each feature actually delivered."

### **ABOUT THE FORECASTER**

The first four issues of the FORECASTER were mailed last week; they contained forecasts of practically all the novels, stage plays or magazine stories from which MGM will choose for its 1936-37 season's pictures.

If you contemplate to subscribe to this service, send your order at once.



## HARRISON'S REPORTS

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No. 27

(Semi-Annual Index—First Half of 1936)

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Poppy—Paramount (72 min.) ..... 103  
Preview Murder Mystery—Paramount (60 min.) ..... 38  
Pride of the Marines—Columbia (63 min.) ..... 63  
Princess Comes Across, The—Paramount (75 m.)... 82  
Prisoner of Shark Island, The—20th Century-Fox  
(93 min.) ..... 30  
Private Number—20th Century-Fox (79 min.) ..... 95  
Professional Soldier—20th Century-Fox (78 min.) ... 22  
Red River Valley—Republic (59 min.) .... Not Reviewed  
Return of Jimmy Valentine, The—Republic (70 min.).. 26  
Revolt of the Zombies—Academy Pictures (61½ m.)... 98  
Rhodes—Gaumont-British (88 min.) ..... 42  
Rhythm on the River—Warner (See "Freshman Love") 19  
Riff-Raff—MGM (93 min.) ..... 10  
Ring Around the Moon—Chesterfield (69½ min.) ..... 3  
Road Gang—First National (61 min.) ..... 34  
Roaming Lady—Columbia (68 min.) ..... 74  
Robin Hood of Eldorado, The—MGM (84 min.) ..... 46  
Rose Marie—MGM (111 min.) ..... 22  
Rose of the Rancho—Paramount (80½ min.) ..... 6  
Sagebrush Troubadour—Republic (54 m.) . Not Reviewed  
Secret Agent—Gaumont-British (82 min.) ..... 103  
Show Boat—Universal (113 min.) ..... 75  
Silly Billies—RKO (63 min.) ..... 54  
Silver Spurs—Universal (65½ min.) ..... Not Reviewed  
Singing Cowboy—Republic (57 min.) ..... Not Reviewed  
Singing Kid, The—First National (84 min.) ..... 59  
Singing Vagabond—Republic (52 m.) ..... Not Reviewed  
Sinister House—RKO (See "Muss 'Em Up") ..... 19  
Sins of Man—20th Century-Fox (78½ min.) ..... 91  
Sky Parade, The—Paramount (69 min.) ..... 58  
Small Town Girl—MGM (107 min.) ..... 63  
Snowed Under—First National (63 min.) ..... 55  
Soak the Rich—Paramount (85 min.) ..... 18  
Song and Dance Man—20th Century-Fox (72 min.) ... 46  
Song of the Saddle—First National (50 m.) Not Reviewed  
Sons O' Guns—Warner Bros. (78½ min.) ..... 82  
Special Investigator—RKO (61 min.) ..... 70  
Speed—MGM (72 min.) ..... 82  
Story of Louis Pasteur, The—First National (85 min.) . 26  
Strike Me Pink—United Artists (99½ min.) ..... 15  
Sutter's Gold—Universal (94 min.) ..... 54  
Sunset of Power—Universal (66 m.) ..... Not Reviewed  
Tango—Invincible (69½ min.) ..... 7  
The Moon's Our Home—Paramount (78 min.) ..... 67  
These Three—United Artists (91½ min.) ..... 42  
Things to Come—United Artists (96 min.) ..... 67  
13 Hours by Air—Paramount (77 min.) ..... 55  
Three Godfathers—MGM (80 min.) ..... 43  
Three Live Ghosts—MGM (61 min.) ..... 15  
Three of a Kind—Invincible (74½ min.) ..... 87  
Three on the Trail—Paramount (66½ m.)... Not Reviewed  
Three Wise Guys—MGM (73½ min.) ..... 86  
Till We Meet Again—Paramount (71 min.) ..... 62  
Times Square Playboy—Warner Bros. (61 min.) ..... 74  
Timothy's Quest—Paramount (64 min.) ..... 27  
Too Many Parents—Paramount (73 min.) ..... 50  
Tough Guy—MGM (75 min.) ..... 23  
Trail of the Lonesome Pine—Paramount (98 m.) ..... 67  
Treachery Rides the Range—Warn. (56m.) . Not Reviewed  
Trouble for Two—MGM (74½ min.) ..... 91  
Two In Revolt—RKO (64½ min.) ..... 51  
Two in the Dark—RKO (73½ min.) ..... 6  
Under Two Flags—20th Century-Fox (110 min.) .... 74  
Unguarded Hour, The—MGM (86 min.) ..... 58  
Voice of Bugle Ann, The—MGM (71 min.) ..... 27  
Walking Dead, The—Warner (65 min.) ..... 39  
When We Look Back—Republic (See "Frisco Water-  
front") ..... 203  
Whispering Smith Speaks—20th Century-Fox (67 m.) . 3  
White Angel—First National (91 min.) ..... 102  
Widow from Monte Carlo, The—Warner B. (59½ m.) . 18  
Wife Versus Secretary—MGM (87 min.) ..... 39  
Witness Chair, The—RKO (63½ min.) ..... 66  
Woman Trap—Paramount (62½ min.) ..... 35  
Yellow Dust—RKO (68 min.) ..... 34  
You May Be Next—Columbia (65½ min.) ..... 31

## RELEASE SCHEDULE FOR FEATURES

### Chesterfield Features

(1540 Broadway, New York, N. Y.)

Below the Deadline—Parker-Hopton ..... May 20  
Lady Luck—Fair-Bakewell ..... July 10  
(End of Season)

### Columbia Features

(729 Seventh Ave., New York, N. Y.)

6206 Heroes of the Range—Maynard (51 min.) .. Mar. 28  
6025 Pride of the Marines—Bickford-Rice ..... Apr. 2  
6037 Panic on the Air—Rice-Ayres ..... Apr. 10  
6028 Roaming Lady—Wray-Bellamy ..... Apr. 12  
6001 Deeds Goes to Town—Gary Cooper ..... Apr. 12  
6008 Devil's Squadron—Richard Dix ..... May 1  
6207 Avenging Waters—Maynard (56 min.) ..... May 8  
6012 And So They Were Married—Astor-Douglas. May 10  
6221 Mine with the Iron Door—Arlen-Parker .... May 15  
6213 Secret Patrol—Peter B. Kyne (60 min.) ..... May 20  
6208 The Fugitive Sheriff—Maynard (58 min.)... May 22  
6003 The King Steps Out—Moore-Tone ..... May 28  
6214 Stampede—Peter B. Kyne (56 min.) ..... June 8  
6017 Counterfeit—Morris-Nolan-Graham ..... June 12  
6032 Trapped by Television—Astor-Talbot ..... June 15

### First National Features

(321 West 44th St., New York, N. Y.)

973 The Law in Her Hands—Lindsay-Hull ..... May 16  
959 The Golden Arrow—Brent-Davis ..... May 23  
961 Bullets or Ballots—Robinson-Blondell ..... June 6  
974 Murder by An Aristocrat—Talbot ..... June 13  
955 Hearts Divided—Davies-Powell (reset) ..... June 20  
951 The White Angel—Francis-Hunter (reset) ... July 4  
977 Two Against the World—Bogart-Dodd ..... July 11  
962 Earthworm Tractors—Joe E. Brown ..... July 18

### Gaumont-British Features

(1600 Broadway, New York, N. Y.)

Rhodes—Walter Houston ..... Feb. 20  
It's Love Again—Jessie Matthews ..... May 22  
Secret Agent—P. Lorre-M. Carroll-R. Young ..... June 15  
Doomed Cargo—Edmund Lowe-C. Cummings .... Aug. 15  
East Meets West—George Arliss ..... Sept. 1  
(one more to come)

### Invincible Features

(1540 Broadway, New York, N. Y.)

Three of a Kind—Chandler-Knapp ..... May 5  
Easy Money—Stevens-Linaker ..... June 15  
(one more to come)

### Metro-Goldwyn-Mayer Features

(1540 Broadway, New York, N. Y.)

#### 1934-35 Season

518 Suzy—Jean Harlow-Franchot Tone (re) ..... July 10

#### 1935-36 Season

622 Garden Murder Case—Lowe-Bruce ..... Feb. 21  
606 Wife Versus Secretary—Gable-Loy-Harlow .. Feb. 28  
623 Three Godfathers—Morris-Stone ..... Mar. 6  
No release set for ..... Mar. 13  
645 Petticoat Fever—Montgomery-Loy-Owen ... Mar. 20  
624 Moonlight Murder—Morris-Evans ..... Mar. 27  
651 The Unguarded Hour—Young-Tone ..... Apr. 3  
607 Small Town Girl—Gaynor-Taylor ..... Apr. 10  
608 The Robin Hood of Eldorado—Baxter ..... Apr. 17  
609 Absolute Quiet—Atwill-Hervey ..... Apr. 24  
No release set for ..... May 1  
652 Speed—Stewart-Barrie-Merkel ..... May 8  
653 Three Wise Guys—Young-Furness ..... May 15  
No release set for ..... May 22  
646 Trouble for Two (Suicide Club)—Montgomery-  
Russell (reset) ..... May 29  
610 Fury—S. Tracy-S. Sidney (reset) ..... June 5  
No release set for ..... June 12  
No release set for ..... June 19  
636 San Francisco—Gable-MacDonald (reset) ... June 26  
626 We Went to College—F. Morgan-Merkel (re) . July 3  
631 The Devil Doll (The Witch of Timbuctu)—  
L. Barrymore (reset) ..... July 17  
No release set for ..... July 24  
655 Piccadilly Jim—Montgomery-Evans ..... July 31  
629 Old Hutch—Beery-Parker-Linden ..... Aug. 7  
657 His Brother's Wife—Taylor-Stanwyck ..... Aug. 14  
633 The Gorgeous Hussy—Crawford-Tone ..... Aug. 21



## Paramount Features

(1501 Broadway, New York, N. Y.)

3554	Florida Special—Oakie-Eilers .....	May 8
3555	Case Against Mrs. Ames—Carroll-Brent .....	May 8
3556	Forgotten Facs—Marshall-Michael .....	May 15
3552	Fatal Lady—Ellis-Pidgeon .....	May 15
3557	The Princess Comes Across—Lombard .....	May 22
3558	Border Flight—Farmer-Howard-Karns .....	May 29
3559	Palm Springs—Langford-Nivens .....	June 5
3560	Early to Bed—Ruggles-Boland-Patrick .....	June 5
3561	Girl of the Ozarks—Weidler-Erikson .....	June 12
3562	Poppy—Fields-Hudson-Cromwell .....	June 19
3563	And Sudden Death—Scott-Drake-Brown .....	June 19
3564	The Arizona Raiders—Crabbe (57 m.) .....	June 26
3565	Threc Cheers for Love—Frawley-Karns .....	June 26
	Return of Sophie Lang—Michael-Milland .....	July 3
	Heart of the West—William Boyd .....	July 10
	Spendthrift—Fonda-Patterson .....	July 17
	Yours for the Asking—Raft-Barrymore .....	July 24
	Rhythm on the Range—Crosby-Farmer .....	July 31
	A Son Comes Home—Boland-Hayden-Woods .....	July 31

(End of Season)

## Republic Features

(1270 Sixth Ave., New York, N. Y.)

3559	King of the Pecos—Wayne (56m.) .....	Mar. 16
3505	House of a Thousand Candles—Holmes .....	Apr. 6
3548	Federal Agent—William Boyd .....	Apr. 10
3504	Girl from Mandalay—Linaker-Nagel .....	Apr. 10
3571	Comin' Round the Mountain—Autry (55m.) .....	Apr. 13
3506	The Harvester—Brady-Rutherford .....	May 5
3569	Singing Cowboy—Gene Autry (57 min.) .....	May 11
3555	Frankie and Johnnie—Morris-Morgan .....	May 15
3561	The Lonely Trail—Wayne-Rutherford .....	May 25
3562	Winds of the Wasteland—John Wayne .....	June 5
3517	Gentleman from Louisiana—Quillan .....	June 10
3549	Go Get 'Em Haines—William Boyd .....	June 15
3516	Navy Born—Wm. Gargan-C. Dodd (reset) ..	June 20
3508	Ticket to Paradise—Roger Pryor .....	June 20
3573	Guns and Guitars—Autry (58½m.) .....	July 6
3528	Sitting on the Moon—(not cast yet) .....	July 10
3503	Legion of the Lost—(not cast yet) .....	July 25
3520	Michael O'Halloran—(not cast yet) .....	July 30

## RKO Features

(1270 Sixth Ave., New York, N. Y.)

670	Dancing Pirate—F. Morgan-S. Duna .....	May 23
646	Let's Sing Again—Breen-Armetta .....	June 12
629	The Last Outlaw—Carey-Walthall .....	June 19
630	Bunker Bean—Davis-Latimer .....	June 26

## Twentieth Century-Fox Features

(444 West 56th St., New York, N. Y.)

641F	Gentle Julia—Withers-Brown-Hunt .....	Apr. 3
632T	A Message to Garcia—Berry-Stanwyck .....	Apr. 10
635F	Captain January—Shirley Temple .....	Apr. 17
643F	The Country Beyond—Hudson-Kelly .....	Apr. 24
699F	A Connecticut Yankee—Rogers Reissue .....	Apr. 24
644T	Under Two Flags—Colman-Colbert .....	May 1
629F	Champagne Charlie—Cavanagh-Wood .....	May 8
646F	The First Baby—Downs-Deane (reset) .....	May 15
647T	Half Angel—Dee-Donlevy (reset) .....	May 22
652F	Human Cargo—Trevor-Donlevy .....	May 29
645F	Private Number—Taylor-Young (reset) .....	June 5
651F	Little Miss Nobody—Withers-Darwell .....	June 12
648T	Sins of Man—Hersholt-Ameche (reset) .....	June 19
655F	The Crime of Doctor Forbes—Stuart .....	June 26
649T	White Fang—Whalen-Muir (reset) .....	July 3
650F	Border Patrolman—Geo. O'Brien (re) .....	July 3
654F	Educating Father—Jones Family .....	July 10
653F	High Tension—Farrell-Donlevy .....	July 17
656F	Across the Aisle—Donlevy-Stuart .....	July 24
657F	The Poor Little Rich Girl—S. Temple .....	July 24

(End of season)

## United Artists Features

(729 Seventh Ave., New York, N. Y.)

	One Rainy Afternoon—Lupino-Lederer .....	May 13
	I Stand Condemned—Olivier-Baur .....	June 12

(End of season)

## Universal Features

(1250 Sixth Ave., New York, N. Y.)

A9033	Nobody's Fool—Horton-Farrell .....	May 31
A9336	Parole—Preston-Hunter .....	June 14
A9031	Crash Donovan (Agent 44)—J. Holt (re) ..	July 12
A9030	Yellowstone—Hunter-Barrett .....	July 26

## Warner Bros. Features

(321 W. 44th St., New York, N. Y.)

925	The Big Noise—Kibbee-Hull-Lloyd .....	June 27
926	Hot Money—Alexander-Roberts .....	July 18
913	Public Enemy's Wife—O'Brien-Lindsay .....	July 25

## SHORT SUBJECT RELEASE SCHEDULE

### Columbia—One Reel

6709	Screen Snapshots No. 9—(9½ min.) .....	Apr. 24
6305	Football Bugs—Color Rhapsody (7½ m.) ..	Apr. 29
6808	Golfing Rhythm—World of Sport (9½ m.) ..	May 15
6354	Major Google—Barney Google (8½ m.) .....	May 24
6710	Screen Snapshots No. 10—(9½ min.) .....	May 29
6809	Sport Magic—World of Sport (9 min.) .....	June 13
6306	Glee Worms—Color Rhapsody (7 min.) .....	June 24
6711	Screen Snapshots No. 11 .....	June 26

(more to come)

### Columbia—Two Reels

6120	The Peppery Salt—Clyde com. (17½ m.) ..	May 10
6121	Disorder in the Court—Stooge (16½ m.) ..	May 30
6122	Champ's a Chump—All star com. (18½ m.) ..	June 20
6123	A Pain in the Pullman—Stooge (20 m.) .....	Not set
6124	Mister Smarty—Clyde comedy .....	Not set

(End of 2 reels for season)

### Metro-Goldwyn-Mayer—One Reel

M-328	The Jonker Diamond—Miniatures (10m.) ..	Mar. 28
W-348	Two Little Pups—Cartoons (8 m.) .....	Apr. 4
S-369	Aquatic Artistry—Sports Parade (9m.) .....	Apr. 11
T-309	Rio de Janeiro—City of Splendor— Traveltalks (8 min.) .....	Apr. 18
M-329	How To Behave—Miniatures (10 m.) .....	Apr. 25
W-349	Not Yet Titled—Cartoons .....	May 2
S-370	Polo—Sports Parade (8 min.) .....	May 9
T-310	St. Helena and Its Man of Destiny— Traveltalks (8 min.) .....	May 16

M-330	Little Boy Blue—Miniatures (11 m.) .....	May 23
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### Metro-Goldwyn-Mayer—Two Reels

C-206	Vamp Till Ready—Charles Chase (20 m.) ..	Mar. 28
C-227	Hill Tillies—Todd-Kelly (18 m.) .....	Apr. 4
C-217	Second Childhood—Our Gang (19 m.) .....	Apr. 11
C-207	On the Wrong Trek—C. Chase (19m.) .....	Apr. 18
C-228	Not Yet Titled—Todd-Kelly .....	Apr. 25
C-218	Arbor Day—Our Gang com. (18 min.) .....	May 2
C-208	Neighborhood House—Charles Chase .....	May 9

### Paramount—One Reel

A5-14	Yankee Doodle Rhap.—Headliner (9m) ..	May 1
E5-9	Bridge Ahoy!—Popeye (6½ min.) .....	May 1
R5-11	Catching Trouble—Spotlight (9½ m.) .....	May 8
C5-5	The Cobweb Hotel—Color Classic (7½m) ..	May 15
V5-17	The Poodle—Varieties (9 min.) .....	May 22
A5-15	Lucky Starlets—Headliner (8½ min.) .....	May 22
P5-11	Paramount Pictorial No. 11—(10 min.) .....	May 22
T5-10	A Song a Day—Betty Boop (7 min.) .....	May 22
Sc5-5	I Don't Want to Make History— Screen Song (7½ min.) .....	May 22

E5-10	What—No Spinach?—Popeye (6½ min.) ..	May 29
J5-5	Popular Science No. 5—(10½ min.) .....	May 29
R5-12	The River of Thrills—Spotlight (9 m.) .....	June 5
V5-19	The Rhythm Party—Varieties (8½ m.) .....	June 12
A5-16	Music in the Morgan Manner—Headliner (10 min.) .....	June 12

P5-12	Paramount Pictorial No. 12—(9½ min.) ..	June 19
T5-11	More Pep—Betty Boop (5½ min.) .....	June 19
E5-11	I Wanna be a Life Guard—Popeye (6½m) ..	June 28
V5-19	Shorty at the Seashore—Varieties .....	July 3
A5-17	Musical Fashions—Headliner .....	July 3
R5-13	Sporting Comparisons—Spotlight (9½m) ..	July 10
C5-6	Greedy Humpty Dumpty—Color Classic .....	July 10
P5-13	Paramount Pictorial No. 13 .....	July 17
T5-12	Be Yourself—Betty Boop .....	July 17
J5-6	Popular Science No. 6—(10 min.) .....	July 17
V5-20	Fashions in Love—Varieties .....	July 24
A5-18	Not Yet Titled—Headliner .....	July 24
E5-12	Let's Get Movin'—Popeye .....	July 24
Sc5-6	The Hills of Old Wyomin'—Screen Songs ..	July 24

(End of season)

### RKO—One Reel

64506	Coral Isle of the Atlantic—World on Parade (11 min.) .....	Mar. 27
64405	Underground Farmer—Struggle to Live (9 min.) .....	Apr. 17
64107	Neptune's Nonsense—Rainbow Parade 7m.	Apr. 17
64801	Major Bowes Amateur Parade No. 1—(9m.)	May 1
64605	Pathe Topics—(9 min.) .....	May 1
64208	A Job's a Job—Easy Aces (10 m.) .....	May 22



64507 Venice of the North—World on Par. (10m) .May 29  
 64108 Bold King Cole—Rainbow Parade (7 m.)..May 29  
 64802 Major Bowes Amateur Par. No. 2—(10m) ..June 5  
 64406 Living Jewels—Struggle to Live (9 m.)....June 12  
 64109 A Wai's Welcome—Rainbow Par. (7 m.)..June 19  
 64307 Row Mister Row—Screen Sport (11 m.)..June 19  
 64209 Fool Your Friends—Easy Aces.....June 19  
 64606 Pathe Topics .....June 26  
 64803 Major Bowes Amateur Parade No. 3.....July 3  
 64110 Trolley Ahoy—Rainbow Parade (8 m.)....July 3  
*(more to come)*

### RKO—Two Reels

63110 March of Time No. 5—(20 m.).....May 15  
 63605 Bad Medicine—Headliner (15 min.).....May 22  
 63705 Wholesaling Along—Leon Errol (17 m.)..May 29  
 63111 March of Time No. 6—(23 min.).....June 12  
 63206 Dog Blight—Jack Norton (16 m.).....June 12  
 63306 And So To Wed—Jack Norton (19 m.)....June 19  
 63506 Swing It—Louis Prima (16 m.).....July 3  
 63406 Dummy Ache—Edgar Kennedy (18 m.)....July 10  
 63112 March of Time No. 7.....July 10  
 63606 Sleepy Time—Ruth Etting (20 m.).....July 24  
 63706 Listen to Freezin'—Kelly (15 min.).....July 31  
 63113 March of Time No. 8.....Aug. 7  
*(End of two reels for season)*

### Twentieth Century-Fox—One Reel

6513 Hometown Olympics—Terry-Toon (6 min.) Feb. 7  
 6514 The Alpine Yodeler—Terry-Toon (6 min.)..Feb. 21  
*No release for .....Feb. 28*  
 6515 Barnyard Amateurs—Terry-Toon (6 m.) ..Mar. 6  
 6516 Off to China—Terry-Toon (6 min.).....Mar. 20  
 6517 The Western Trail—Terry-Toon (6 min.)..Apr. 3  
 6518 A Wolf in Cheap Clothing—Terry-T. (6m.)..Apr. 17  
 6910 Spooks—Cabin Kids (8½ min.).....Apr. 17  
 6610 Animal Cunnig—Treas. Chest (10½ m.)....May 1  
 6519 Rolling Stones—Terry-Toon (6 min.).....May 1  
 6520 The Runt—Terry-Toon (6 min.) .....May 15  
 6521 The Busy Bee—Terry-Toon (6 min.).....May 29  
 6609 Fast Friends—Treas. Chest (8½ min.).....June 5  
 6522 The Sailor's Home—Terry-Toon (6 m.)....June 12  
 6523 A Tough Egg—Terry-Toon (6 min.) .....June 26  
 6524 The Hot Spell—Terry-Toon .....July 10  
 6525 Puddy the Pup & The Gypsies—T-Toon....July 24  
 6526 Kiko the Kangaroo—Terry-Toon.....July 31  
*(6609 "The Legend of the Lei" has been withdrawn)*  
*(End of season)*

### Twentieth Century-Fox—Two Reels

6113 Gold Bricks—Bert Lahr (20½ min.) .....Mar. 20  
 6114 The White Hope—Joe Cook (19 min.) .....Mar. 27  
 6115 Triple Trouble—Ernest Truex (16½ min.) .Apr. 3  
 6211 Where Is Wall Street—T. Howard (19½m.) Apr. 10  
 6214 Fresh From the Fleet—Buster West (18½m.) Apr. 24  
 6213 Sleepless Hollow—Harry Gribbon (16½m) ..May 8  
 6307 It Happened All Right—Tim & Irene (18m) ..May 15  
 6212 Railbirds—Tom Howard com. (17½ m.)....May 22  
 6116 Home on the Range—Mus. com. (21 m.)....June 5  
 6308 Peaceful Relations—Tim & Irene (re.).....June 19  
*(6212 "Happy Heels" has been withdrawn)*  
*(End of season)*

### United Artists—One Reel

6 Mickey's Polo Team—Mickey Mouse (8 min.)..Feb. 5  
 7 Orphans Picnic—Mickey Mouse (8 min.) .....Mar. 12  
 8 Mickey's Grand Opera—Mickey Mouse (8m.) ..Apr. 9  
 7 Elmer Elephant—Silly Symphony (8 m.) .....May 13  
 8 Three Little Wolves—Silly Symphony (9 m.)..May 27  
 9 Thru the Mirror—Mickey Mouse (9 m.).....June 18  
 10 Moving Day—Mickey Mouse.....Rel. date not set  
*(End of season)*

### Universal—One Reel

A9379 Stranger Than Fiction No. 19—(9 m.) ....Apr. 13  
 A9393 Going Places with Thomas No. 20 (9 m.) ..Apr. 20  
 A9230 Barnyard Five—Oswald Cart. (6½ min.) .Apr. 20  
 A9281 The Fun House—Oswald cart. (6½ min.) ..May 4  
 A9282 Farming Fools—Oswald (6½ min.).....May 25  
 A9380 Stranger Than Fiction No. 20—(9 min.)..June 1  
 A9394 Going Places with Thomas No. 21—(9½m) June 8  
 A9381 Stranger Than Fiction No. 21—(9 min.)..June 15  
 A9395 Going Places with Thomas No. 22—(9m) ..June 22  
 A9283 Battle Royal—Oswald cart. (7 min.) .....June 22  
 A9382 Stranger Than Fiction No. 22—(9½ m.)..June 29  
 A9396 Going Places with Thomas No. 23—(9½m) July 6  
 A9383 Stranger Than Fiction No. 23—(9½ m.)..July 13  
 A9397 Going Places with Thomas No. 24—(9½m) July 20  
 A9385 Stranger Than Fiction No. 24—(9½ m.)..July 27  
*(more to come)*

### Universal—Two Reels

A9509 Fighting the Fire Dragon—Flash 9 (19m) .May 31  
 A9162 Teddy Bergman's International Broadcast—  
 Mentone com. (20½ min.) .....June 3  
 A9510 The Unseen Peril—Flash No. 10 (18½m) ..June 7  
 A9511 In the Claws of the Tigrion—Flash  
 No. 11 (18 min.) .....June 15  
 A9512 Trapped in a Turret—Fl. No. 12 (17½m) ..June 21  
 A9513 Rocketing to Earth—Flash No. 13 (20m) ..June 29  
 A9163 Flippin's Frolics—Mentone (18 m.).....July 15  
*(End of two reels for season)*

### Beginning of 1936-37 Season

A1481 Dynamite—Phantom Rider No. 1 (19½m) ..July 6  
 A1482 The Maddened Herd—Phan. No. 2 (21m) ..July 12  
 A1483 The Brink of Disaster—Phan. No. 3 (19m) July 20  
 A1484 The Phantom Rider—Phan. No. 4 (18½m) July 27

### Vitaphone—One Reel

1808 Wild Wings—Pepper Pot (9½ m.) .....Jan. 11  
 1402 I Wanna Play House—Mer. Mel. (7 m.) ....Jan. 18  
 1703 Alpine Antics—Looney Tunes (7 min.)....Jan. 18  
 1906 Steel and Stone—Our Own U. S. (10 min.) ..Jan. 25  
 1606 Vitaphone Celebrities—Vaudville (11 min.) ..Jan. 25  
 1506 Off the Record—Rolf Orch. (10 min.) ....Feb. 1  
 1704 The Phantom Ship—Looney Tunes (8 min.) Feb. 1  
 1810 Some Class—Chas. Ahern (11 min.) .....Feb. 8  
 1403 The Cat Came Back—Merrie Mel. (8 min.) ..Feb. 8  
 1607 Vaudeville Unit No. 7—(10 min) .....Feb. 15  
 1809 Timber Giants—Pepper Pot (10 min.) .....Feb. 22  
 1507 Jolly Coburn and Orchestra—(9½ m.).....Feb. 22  
 1908 A Day's Journey—Our Own U. S. (10 m.)..Feb. 22  
 1705 Boom Boom—Looney Tunes (7½ min.) ....Feb. 29  
 1608 Vitaphone Spotlight—(10 min.).....Mar. 7  
 1404 Miss Glory—Merry Melodies (7½ m.).....Mar. 7  
 1909 Harbor Lights—Our Own U. S. (10 m.)....Mar. 21  
 1811 The Half Wit-Ness—Radio Ram. 11 m.)....Mar. 21  
 1508 Little Jack Little—Mel. Masters (11 m.)....Mar. 28  
 1609 Vaudeville No. 9—(11 min.) .....Apr. 4  
 1706 The Blowout—Looney Tune (7½ min.).....Apr. 4  
 1405 I'm a Big Shot Now—Mer. Mel. (7½ m.)..Apr. 11  
 1907 We Eat to Live—Our Own U. S. (10 m.)..Apr. 18  
 1509 Ramon Ramos & Orch.—Mel. Mast. (9 m.)..Apr. 18  
 1812 Beneath the Sea—Pepper Pot (8 m.).....Apr. 18  
 1707 Westward Whoa—Looney Tune (7½ m.)....Apr. 25  
 1610 Vitaphone Hippodrome—Picon (11 m.)....May 2  
 1406 Let It Be Me—Merrie Melody (8 min.)....May 9  
 1910 Vacation Spots—Our Own U. S. (10 m.)....May 16  
 1510 Dave Apollon & Orch.—Mel. Mast. (10 m.)..May 16  
 1708 Fish Tales—Looney Tunes (7 min.).....May 23  
 1611 Vitaphone Topnotchers—(11 min.).....May 30  
 1408 Bingo Crosbyana—Mer. Mel. (8 min.).....May 30  
 1407 I'd Love to Take Orders From You—  
 Merrie Melodies (8 min.).....May 30

1511 Vincent Lopez & Orch.—Mel. Mast. (11 m.)..June 6  
 1911 Iron in the Fire—Our Own U. S. (10 m.)..June 13  
 1801 Pictorial Review—Pepper Pot (11m) (re) ..June 13  
 1709 Shanghaied Shipmates—L. Tunes (7 m.)....June 20  
 1409 When I Yoo Hoo—Mer. Melodies (7 m.)....June 27  
 1612 Vitaphone Entertainers—(11 m.).....June 27  
 1512 Carl Hoff—Melody Masters (10 min.).....July 11  
 1710 Porky's Pet—Looney Tunes (6½ min.)....July 11  
 1912 Can You Imagine—Our Own U. S. (10 m.)..July 11  
 1813 When Fish Fight—Pepper Pot.....July 11  
 1410 I Love to Singa—Merrie Mel. (8 min.)....July 18  
 1613 Vitaphone Stageshow .....July 25

### Vitaphone—Two Reels

1024 The Stars Can't Be Wrong—Lamour (20½) Feb. 29  
 1014 Wash Your Step—Bway. Brevity (22 min.) Mar. 7  
 1111 For the Love of Pete—Comedy (22 min.) ..Mar. 14  
 1015 Paris in New York—I. Bordoni (22 min.) ..Mar. 21  
 1112 Bob Hope—Comedy Series (21½ min.) .....Mar. 28  
 1025 The Black Network—com. (21½ min.) .....Apr. 4  
 1030 College Dads—Leon Janney (22 min.) .....Apr. 11  
 1113 Slum Fun—comedy (22 min.) .....Apr. 11  
 1016 The Double Crossky—Baclanova (20 m.)....Apr. 18  
 1026 I'm Much Obligated—Vera Van (22 min.)....May 2  
 1115 Absorbing Junior—Shemp Howard (22 m.)..May 9  
 1017 When You're Single—Cross & Dunn (22m) ..May 16  
 1018 Maid for a Day—Grace Hayes (21 m.)....May 23  
 1019 The City's Slicker—Dawn O'Day (20 m.)..May 30  
 1117 Here's Howe—Shemp Howard (22 min.)..June 6  
 1005 Changing of the Guard—Bway. Brev.....June 6  
 1032 Romance in the Air—Wini Shaw (20 m.)..June 13  
 1031 Rhythymitis—Bway. Brev. (19 min.).....June 13  
 1116 Wife of the Party—Comedy (22 min.).....June 20  
 1006 Song of a Nation—Bway. Brev. ....July 4  
 1119 Good Old Plumber Time—Comedy (20 m.)..July 11  
 1118 Ken Murray—Sassafra—comedy .....July 25  
 1114 Doughnuts—Yacht Club Boys.....Rel. Postponed

## NEWSWEEKLY NEW YORK RELEASE DATES

### Universal

463 Wednesday ..June 3  
 464 Saturday ....June 6  
 465 Wednesday ..June 10  
 466 Saturday ....June 13  
 467 Wednesday ..June 17  
 468 Saturday ....June 20  
 469 Wednesday ..June 24  
 470 Saturday ....June 27  
 471 Wednesday ..July 1  
 472 Saturday ....July 4  
 473 Wednesday ..July 8  
 474 Saturday ....July 11  
 475 Wednesday ..July 15  
 476 Saturday ....July 18  
 477 Wednesday ..July 22

### Fox Movietone

76 Saturday .....June 6  
 77 Wednesday ...June 10  
 78 Saturday .....June 13  
 79 Wednesday ...June 17  
 80 Saturday .....June 20  
 81 Wednesday ...June 24  
 82 Saturday .....June 27  
 83 Wednesday ...July 1  
 84 Saturday .....July 4  
 85 Wednesday ...July 8  
 86 Saturday .....July 11  
 87 Wednesday ...July 15  
 88 Saturday .....July 18  
 89 Wednesday ...July 22  
 90 Saturday .....July 25  
 91 Wednesday ...July 29  
 92 Saturday .....Aug. 1  
 93 Wednesday ...Aug. 5

### Paramount News

96 Wednesday ..July 1  
 97 Saturday ....July 4  
 98 Wednesday ..July 8  
 99 Saturday ....July 11  
 100 Wednesday ..July 15  
 101 Saturday ....July 18  
 102 Wednesday ..July 22  
 103 Saturday ....July 25  
 104 Wednesday ..July 29  
 105 Saturday ....Aug. 1  
 106 Wednesday ..Aug. 5  
*(End of season)*

### Metrotone News

275 Wednesday ..June 10  
 276 Saturday ....June 13  
 277 Wednesday ..June 17  
 278 Saturday ....June 20  
 279 Wednesday ..June 24  
 280 Saturday ....June 27  
 281 Wednesday ..July 1  
 282 Saturday ....July 4  
 283 Wednesday ..July 8  
 284 Saturday ....July 11  
 285 Wednesday ..July 15  
 286 Saturday ....July 18  
 287 Wednesday ..July 22  
 288 Saturday ....July 25  
 289 Wednesday ..July 29  
 290 Saturday ....Aug. 1  
 291 Wednesday ..Aug. 5  
 292 Saturday ....Aug. 8  
 293 Wednesday ..Aug. 12

### Pathe News

55294 Wed. (E.) ..June 17  
 55195 Sat. (O.) ..June 20  
 65296 Wed. (E.) ..June 24  
 65197 Sat. (O.) ..June 27  
 65298 Wed. (E.) July 1  
 65199 Sat. (O.) July 4  
 652100 Wed. (E.) July 8  
 651101 Sat. (O.) July 11  
 652102 Wed. (E.) July 15  
 651103 Sat. (O.) July 18  
 652104 Wed. (E.) July 22  
*(End of season)*



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Vol. XVIII

SATURDAY, JULY 11, 1936

No. 28

## "BANK NIGHT" NOT A LOTTERY

On July 1, the Supreme Court of the State of Massachusetts rendered a decision reversing the lower courts in their holding that James Wall, of the Felsway Theatre, in Medford, in using Bank Night, operated a lottery, as the state contended, and sustained the exception of Mr. George S. Ryan, counsel for the defendant, who contended that "Bank Night" is not a lottery.

Mr. Ryan, in his brief on the appeal to the Supreme Court, urged that "A lottery comprises three essential elements: prize, chance and the payment of a pecuniary consideration. In the operation of Bank Night the first two elements are present. The third element, however, is lacking. None of the participants pays any consideration whatever. No attempt is made to induce them to pay anything. The right to participate is absolutely free." And he cited many a case that his argument was correct.

The Supreme Court, in reviewing the case, analyzed every one of the contentions of the state, agreeing with some of them; but it disagreed with the state's contention as to the most important element—that the participants were risking something of value in participating in the chance to win a prize. "One may give away his money by chance," the court said, "and if the winner pays no price, there is no lottery. 'Price' in this connection means something of value and not the formal or technical consideration which would be sufficient to support a contract. . . . The test is whether that group who did pay for admission were paying in part for the chance of a prize. The jury could disregard all evidence introduced by the defendant favorable to him. They could take a realistic view of the situation. They were not obliged to believe that all the ingenious devices designed to legalize this particular game of chance were fully effective in practical operation. . . . There was error, however, in instructing the jury in substance that any technical and non-valuable consideration 'whether registration of the name or anything else' would be a sufficient price. We are also of opinion that the price must come from participants in the game in part at least as payments for their chances and that the indirect advantage to the theatre of larger attendance is not in itself a price paid by participants. . . ."

This is the third victory for Mr. Ryan in a Bank Night controversy. The first victory was in the State of Maine, where the courts refused to make a decision on the ground that the facts were insufficient to enable the court to render an intelligent decision, dismissing the case. The second was in New Hampshire, where the courts declared that

Bank Night is not a lottery, making the decision clear-cut.

In view of the widespread use of Bank Night, the independent exhibitors will, I am sure, feel pleased at the decision of the Supreme Court of the State of Massachusetts. Though this decision does not bind the courts of other states, it will undoubtedly guide such courts if exhibitors should be haled before them on the ground that, in using Bank Night to increase attendance, they were operating a lottery.

## "THE DIGEST" BETTER THIS YEAR

Many of those who have received a copy of this year's Digest have stated by letter that they have found the information invaluable.

The purpose for compiling the Digest was to disprove the assertions of the distributors that they have a definite sales policy, which they put into force nationally. By last year's Digest this assertion was disproved. This year's Digest corroborates definitely last year's findings.

Among the number of exhibitors who reported in this year's Digest, no two bought their pictures alike: each bought his pictures with different terms from an exhibitor whose circumstances were the same, or practically the same. Some exhibitors did not permit the designation of play-dates; others permitted it. Some did not have to buy a distributor's shorts in order that they obtain the features; others had to buy them. Some did not have to buy news or trailers; others did have to buy them. Some did not pay for score; others had to pay for score. Some bought all their pictures on a flat rental basis; others bought all their pictures on percentage, while others had to buy them mixed.

Every exhibitor should study this year's Harrison's Digest to know something about the different sales methods employed. He should compare his situation with the situations of other exhibitors. Only by such a study will he know whether he paid a fair price for his pictures last season or overpaid. Such a study will also guide him in purchasing his films for the 1936-37 season.

The matter of score should engage every exhibitor's attention, for, as I stated in my paper that was read at the Allied convention in Cleveland, the score charge has become almost a racket. I took the charges for score made by one company—Warner Bros., and made a study of them. Here are my findings:

Of the Warner Bros. accounts who answered the Digest Questionnaire on prices and contract

(Continued on last page)



### **"Counterfeit" with Chester Morris, Margot Grahame and Lloyd Nolan**

(Columbia, June 12; time, 72½ min.)

An exciting "G-Men" melodrama. The action is fast and for the most part thrilling; one is held in tense suspense from the moment it becomes evident that Chester Morris, who had joined the gang of counterfeiters, is a G-Man out to get the gang. The manner in which he puts himself into the good graces of Lloyd Nolan, leader of the gang, convincing him that he is a "bad" man, is cleverly and logically contrived. Morris awakens the spectator's sympathy by his courage in becoming connected with the gang, knowing that his life is in danger. One feels sympathy for Marian Marsh, who had innocently become involved with the gang and had been compelled to remain with them. The closing scenes, in which Morris discloses his identity to Nolan, helping to capture him and the gang, are the most thrilling:—

Claude Gillingwater, a United States Treasury Department engraver, is kidnapped and held prisoner by Nolan and his gang. He is forced to make plates for the printing of paper money. Nolan then floods the country with the counterfeit money. Morris, a secret service operative, is assigned to the case. By pretending to kill two detectives, he gets into Nolan's good graces and becomes a member of the gang. He tips off the Department on various things but has to move cautiously. In the meantime he falls in love with Miss Marsh, sister of Margot Grahame, Nolan's sweetheart, who was being held against her will. Morris tries to convince her, without disclosing his identity, that the best thing for her to do is to stay there until he can help her. Eventually Morris, who had been ordered by Nolan to kill Miss Marsh, gets a message through to his chief to have the place surrounded at a certain hour. Everything works according to plans and the gang is captured; Miss Grahame is killed in the scuffle. Miss Marsh, although broken-hearted at her sister's death, is happy to learn that Morris is not a criminal.

William Rankin wrote the story; he and Bruce Manning wrote the screen play. Erle C. Kenton directed it, and B. P. Schulberg produced it. In the cast are George McKay, John Gallaudet, and others.

Because of the activities of the gangsters it is unsuitable for children. Good for adults. *Class B.*

### **"The Bride Walks Out" with Barbara Stanwyck, Gene Raymond and Robert Young**

(RKO, July 10; time, 80 min.)

A good lightweight romantic comedy. Although the plot is the familiar one of the proud husband who refuses to allow his wife to work, it is nevertheless entertaining because of good production values, fine performances, and smart dialogue. As a matter of fact it is more by dialogue than by situation that the laughs are provoked. The attitude of the husband (Gene Raymond) becomes a bit exasperating at times; but it is never taken too seriously, and each dramatic episode is followed by a comical situation, which relieves the tension and makes one forget the conflict. One of the most amusing situations is where Barbara Stanwyck, a bill collector, some furniture movers, and two of her friends, become slightly drunk and sing. Ned Sparks and Helen Broderick, as a bickering married couple, are extremely comical and add much to the gaiety of the picture:

Miss Stanwyck and Raymond are very much in love with each other but she refuses to marry him because, although he earns only \$35 a week, he insists that if she marries him she must give up her position. She finally succumbs to his pleas, but finds it difficult to make both ends meet on his income. She cannot resist buying pretty clothes instead of paying house bills. Raymond, thinking she is getting along on his salary, does not suspect anything about accumulating bills. She goes back to work without telling him about it and everything goes along smooth until he accidentally finds out what she is doing. They quarrel and part. Robert Young, a millionaire friend, in love with Miss Stanwyck, pleads with her to marry him. She starts divorce proceedings against Raymond, promising to marry Young. Raymond, in order to get away from things, accepts a dangerous position in South America. When Miss Stanwyck hears of this

she prevents him from going. She tells him she still loves him and promises to give up work and live within his income; they are reconciled.

Howard Emmett Rogers wrote the story, and P. J. Wolfson and Philip G. Epstein the screen play. Leigh Jason directed it and Edward Small produced it. In the cast are Anita Colby, Vivian Oakland, Willie Best, and others.

Suitable for all. *Class A.*

### **"The Crime of Dr. Forbes"**

(20th Century-Fox, June 26; time, 76 min.)

This picture started with great promise but fell by the wayside shortly afterwards. This happened when the hero fell in love with the wife of the doctor under whom he was studying, and who was fond of him. Though this love does not go beyond the stages of propriety, yet it weakens the character of the hero, for the relationship between the two doctors is pleasing so that the showing of such a weakness on the part of the hero lowers him in the estimation of the audience. The picture has been given excellent production, and with another development of the theme it could have become an outstanding picture.

The theme revolves around the theory of mercy killing: the hero's chief, who had been studying diseases of the bone, particularly of children, is injured seriously in the spine and is suffering excruciating pains. Neither the hero nor any other doctor answers his plea that an end be put to his life so that his sufferings may cease. The hero is often tempted to give him an overdose of opiate but he refrains to do so, thus remaining true to the oath of his profession. The injured man is found dead and the hero is arrested for murder, accused of having given the dead man an overdose of opium. The relationship of hero and the dead man's wife is used by the prosecution to convince the jury that the accused man was guilty of murder. The hero admits the mercy killing, putting up as a defense that he could not stand to see his chief suffering excruciating pains. But counsel for the defense brings to light that the doctor died by an overdose of opiate, well enough, but that the overdose was caused by all the doctors combined—each doctor gave the suffering man a small dose to relieve him of pain, and the combined doses were enough to kill the patient, which was just what the suffering man wanted. The hero is freed when it is realized that his admitting guilt was prompted by his desire to keep the heroine's name out of a scandal. He marries her.

Frances Hyland and Saul Elkins wrote the story. George Marshall directed the picture, under the supervision of Sol Wurtzel. Gloria Stuart, Robert Kent, J. Edward Bromberg, Sara Haden, Henry Armetta, Alan Dinehart, Taylor Holmes, and others are in the cast.

As the theme has been treated, the picture is not unsuitable for children. Good adult entertainment. Suitability, *Class A.*

### **"High Tension"**

(20th Century-Fox, July 17; time, 63 min.)

Nice program comedy-melodrama, but nothing to rave over. The comedy is provoked by Glenda Farrell, a writer of sea stories for cheap magazines, who is and isn't in love with two-fisted Brian Donlevy, repairer of ocean cables—she takes a notion to drop him as her sweetheart, and then she decides to take him on again. There is some human interest, awakened by the friendship between Donlevy and Norman Foster: Foster, an engineer, was playing the piano in a saloon for a living. Donlevy got drunk and would have lost his roll of bills but Foster took him to his own home and let him sleep it out. When he arose in the morning, Foster gave him his money. This was enough to establish a staunch friendship between the two. Donlevy gave him a job and pushed him ahead, making something out of Foster.

There are some misunderstandings between the two, because of a love affair, but they are eventually removed.

The story is by J. Robert Bren and Norman Houston. Allan Dwan directed it and Sol Wurtzel produced it. In the supporting cast are Helen Wood, Robert McQuade, Theodore Von Eltz and others.

Suitable for the entire family. *Class A.*



### "Spendthrift" with Henry Fonda and Pat Paterson

(Paramount, July 17; time, 77 min.)

A fair program comedy. The plot is thin and familiar. The greatest fault is the indifferent manner in which the plot has been developed, and its lack of human appeal. From the action one does not feel that Henry Fonda is in love with Mary Brian, so that when he marries her one feels as if his act is both surprising and ridiculous. Nor does any one, with the exception of Pat Paterson, do anything to win one's sympathy. The antics of Edward Brophy, George Barbier, and Spencer Charters,—their amusing characters, provide the comedy situations; they rise above the somewhat weak material given them. The most exciting situation is the horse race in the closing scenes:—

Fonda, millionaire playboy, finds himself without available cash because of his extravagances. Pinning all his hopes on his race horse, he sells his polo ponies and, after paying off urgent debts, goes to Kentucky with his trainer, the trainer's daughter (Pat Paterson), and his bodyguard, (Brophy). They are heartbroken when their jockey falls at the beginning of the race, ruining their chances to win money. Fonda meets Mary Brian, a scheming daughter of a scheming southern Colonel; she thinks Fonda is joking when he tells her he is broke. He takes her back to New York with him and later marries her. On the honeymoon she realizes that what he had told her about his financial situation was true. Charters adds to Fonda's troubles when he arrives to live with his daughter. Miss Brian sends every one away, including Miss Paterson, whom she hated because Fonda had given her the race horse. She then leaves with her father. Fonda gets hold of himself; he obtains a position as radio commentator at the sum of \$1,000 a week. He learns enough about the value of money to fight Miss Brian and Charters when they try to get some of his money from him. Eventually he obtains a divorce and marries Miss Paterson, who had always loved him.

Eric Hatch wrote the story, and Raoul Walsh and Bert Hanlon the screen-play. Raoul Walsh directed it, and Walter Wanger produced it. In the cast are Richard Carle, J. M. Kerrigan, and others.

Suitable for all. *Class A.*

### "Ticket to Paradise" with Roger Pryor and Wendy Barrie

(Republic, June 20; running time, 66½ min.)

A pretty good farce, well produced. Although the plot is routine, the action is so fast that it holds the attention well and keeps one in suspense throughout. The farcical situations are provoked by Roger Pryor's efforts to discover his identity, after losing his memory in an accident. The romantic interest is pleasant and is made an important part of the plot. Excitement prevails in the closing scenes where Pryor finds out who he is and realizes that he has just a few minutes in which to close an important deal:—

While on his way to the Chicago railroad station, Pryor is knocked on the head when his cab collides with a truck. When he comes to himself he does not know who he is or where he wanted to go. He buys a ticket to New York, where, on the advice of psychiatrists, he becomes a taxicab driver. His work brings him in contact with Wendy Barrie, who becomes interested in his plight. They fall in love, but cannot marry until Pryor can find out who he is. They purposely get into scrapes, getting their pictures in newspapers, hoping thereby that some one will recognize Pryor; but it doesn't work. Eventually their antics lead them to Chicago, where Pryor gets knocked out in a brawl. This brings back his memory. At the same time he realizes he has a few minutes in which to close an important deal. This is finally accomplished. He does not recognize Miss Barrie; but he falls in love with her all over again and they decide to get married.

David Silverstein wrote the story, and Jack Natteford and Nathaniel West the screen play. Aubrey Scotto directed it, and Nat Levine produced it. In the cast are Claude Gillingwater, Andrew Tombes, Luis Alberni, and others.

Suitable for all. *Class A.*

### "M'Liss" with Anne Shirley and John Beal

(RKO, July 17; time, 65 min.)

Pretty mild entertainment. It has little to offer to adult audiences, for the plot is old-fashioned and the action slow. Anne Shirley, in the typical naive type of role for which she is known, tries hard and in a way wins the spectator's sympathy; but this is not enough to hold one's attention. A few situations are touching. The situation where Miss Shirley begs Guy Kibbee, her dying father, not to leave her is one of them. And there is some comedy, too, provoked by Miss Shirley's independent flareups and naivete. As entertainment, it should please mostly children:—

Miss Shirley and Kibbee are dispossessed from their home and are compelled to live in a hut. Their home is turned into a schoolhouse to which John Beal is brought as teacher. Despite Kibbee's drunken spree, Miss Shirley loves him and willingly works in the town saloon washing dishes in order to keep them going. Beal, charmed by her innocence, falls in love with her as she does with him. He induces her to leave the saloon and seek other work. Kibbee is shot when he tries to stop a fight; he dies. Beal promises to stand by Miss Shirley and prevents the authorities from sending her to an institution. James Bush, a braggart, is shot while on his way to Miss Shirley's hut. Beal, who had refused to fight Bush when he was drunk, is suspected. But Dumbville, Miss Shirley's guardian, confesses that he had done it; and since Bush recovers, no one is held. Miss Shirley and Beal plan to marry.

Bret Harte wrote the story, Dorothy Yost the screen play, George Nicholls, Jr., directed it, and Robert Sisk produced it. In the cast are Moroni Olsen, Frank M. Thomas, Ray Mayer, Barbara Pepper, and others.

Morally suitable for all. *Class A.*

### "Two Against the World" with Humphrey Bogart and Beverly Roberts

(First Nat'l, July 11; time, 56 min.)

Just fair program entertainment. Except for the change of background—that of a radio station instead of a newspaper office—this is similar in content to "Five Star Final"; but it is a decidedly inferior version. It fails by comparison with the other picture both in production and acting; and the familiarity of the plot, which, by the way, lacks the "punch" of the other, tends to lessen the spectator's interest in the outcome. A few of the situations are touching. One of such situations is where Helen McKellar, desperate because of the disclosure of her past, pleads with the owner of the broadcasting station to desist from spreading gossip about her. The closing scenes, where Linda Perry, her daughter, faces the men responsible for her parents' suicide, are stirring:—

Robert Middlemass, owner of a radio broadcasting station, stoops to cheap publicity stunts to build up his business. Humphrey Bogart, manager of the station, is disgusted at his employer's business methods but is compelled to follow instructions. Middlemass hits upon the idea of raking up the twenty year old murder case involving Miss McKellar, and use it for a series of broadcasts. She had shot and killed her husband, but had been acquitted by the jury, after which she had married Henry O'Neill and settled down to a decent life. When Miss McKellar hears over the radio the announcement of this new program she is terrified, for her daughter, who was to be married the following day, knew nothing of the case. She calls up Middlemass and pleads with him to refrain from publicizing the story, but he refuses her request. In desperation she kills herself. When O'Neill finds her he, too, kills himself. The parents of Miss Perry's fiancé demand that he give her up, but he refuses and stands by her. The girl attempts to kill Middlemass for what he had done to her parents but she is saved from committing a murder by the quick thinking of Bogart. He decides to give up his position, and insists that Beverly Roberts, his secretary, with whom he was in love, do likewise.

The plot was based on a story idea by Louis Weitzenkorn. Michel Jacoby wrote the screen play, William McGann directed it, and Bryon Foy produced it. In the cast are Carlyle Moore, Jr., Claire Dodd, and others.

Although there is nothing immoral in the picture it is hardly suitable for children. Adult entertainment. *Class B.*



terms, 74 bought the full product of Warner-First National. These agreed to pay for score \$11,344.50. The combined number of seats of these exhibitors' theatres are 43,350.

Now, from the information that I obtained several years ago as to how much the producers pay to the American Society of Composers, Authors and Publishers for the right to record on their films copyrighted music belonging to the members of the Society, the charge was during the fifth year 5c a seat, with a minimum guarantee of \$100,000. Assuming that the 5c per seat charge is still in effect, Warner Bros. had to pay to the Society \$2,167.50. This is \$9,177.00 profit. In other words, Warner Bros. paid to the Society for the theatres of the 74 exhibitors \$2,167.50 and collected \$11,344.50 (or thereabouts). If this is not profiteering, I wonder what it is.

The score charge is an unjust charge; it should be eliminated. The producers have as much right to make a separate charge for score as they have to make for the stars, the director, or the costumes in a picture. It should be considered part of the picture's cost.

## NUMBER OF PICTURES PROMISED AND NUMBER DELIVERED

### Columbia

Columbia sold for the 1935-36 season 32 minimum or 40 maximum regular features and 12 westerns. Up to "Trapped by Television" it delivered all the westerns, but only 27 of the regular features.

The Home office has assured Harrison's Reports that it will deliver 40 regular features. This means that it will deliver 13 more.

### First National

This company sold 30 features. Up to "Earthworm Tractors," set for release July 18, it will have delivered 23, leaving 7 to deliver.

### Metro-Goldwyn-Mayer

MGM sold 53—50 regular features, "The Great Ziegfeld," "Broadway Melody," and the re-issue "Smilin' Through." Up to "Gorgeous Hussy," set for release August 21, it will have delivered 40; this would leave 13 to deliver, but since MGM withdrew "The Great Ziegfeld" from regular release and placed it in the road-show class, it will have only 12 to deliver.

The Home office of this company has assured Harrison's Reports that it will deliver the remainder before long without fail.

### Paramount

This company sold 65 pictures maximum, without a minimum number. Up to "A Son Comes Home," set for release July 31, it will have released 72 features

This is the first time in the history of the business that a company released more pictures than it sold. To some exhibitors the extra number should prove welcome. But no exhibitor holding a Paramount contract is under an obligation to accept 72 instead of 65 pictures.

### RKO

This company offered for sale 48 pictures, 2 of them in natural colors. Up to "Bunker Bean," set for release July 24, it will have delivered 32, leaving 16 to deliver.

This company's home office has informed Harrison's Reports that it expects to deliver at least 45 features.

### Twentieth Century-Fox

Before the merger, Fox sold 50 maximum, 40 minimum, feature pictures. After the merger the number was determined as follows: From 9 to 12 Twentieth Century (Zanuck) specials, 40 regular Twentieth Century-Fox features, 4 George O'Brien westerns, and "Dante's Inferno." Up to "The Poor Little Rich Girl," set for release July 24, it will have released all that it sold after the merger.

As stated in these columns several times, those exhibitors who bought the Fox product (50 maximum—40 minimum) are entitled to the full number even if it has to be made up from the 12 Twentieth Century specials.

### United Artists

This company offered for sale 24 features. Up to "I Stand Condemned," released June 12, it has delivered 14 features. That is all this company will deliver in the 1935-36 season.

### Universal

This company sold 36 regular features and 6 Buck Jones westerns. It has delivered all the Buck Jones westerns, and up to "Yellowstone," set for release July 26, it will have released 21 regular features, leaving 15 to deliver.

### Warner Bros.

This company sold 30 features. Up to "Public Enemy's Wife," set for release July 25, it will have delivered 25 features.

## LAST WEEK'S "PROTECTIVE" CLAUSE MODIFIED

In last week's issue you were given the protective provision Allied Theatre Owners of the Northwest recommended to its members for inclusion in next season's contracts. That provision might be modified as follows for simplification:

"Contracts for features and shorts for the 1936-37 season have been signed simultaneously.

"Distributor agrees that it shall in no event charge the exhibitor more than \$. . . . . per feature as an average, and that, in the event it shall not release all the feature pictures contracted for, as described in the Schedule of this contract, the Exhibitor shall have the right to cancel . . . . . reels of short subjects for each undelivered feature picture."

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## A REVIEWING SERVICE FREE FROM THE INFLUENCE OF FILM ADVERTISING

Vol. XVIII

SATURDAY, JULY 18, 1936

No. 29

### BOX OFFICE PERFORMANCES OF 1935-36 PICTURES

A check-up of the box-office performances of pictures released up to May disclose the following results:

#### Columbia

The check-up is up to "And So They Were Married," released May 10—altogether 23 pictures:

Excellent 1: "Mr. Deeds Goes to Town."

Very Good 1: "If You Could Only Cook."

Fair 4: "She Couldn't Take It," "Music Goes Round," "Devil's Squadron," and "And So They Were Married."

Fair to poor 3: "Lone Wolf Returns," "Panic on the Air," and "Roaming Lady."

Poor 14: "Guard That Girl," "Case of Missing Man," "Grand Exit," "Escape from Devil's Island," "Too Tough to Kill," "One Way Ticket," "Calling of Dan Matthews," "Crime and Punishment," "Dangerous Intrigue," "Lady Regrets," "You May Be Next," "Hell Ship Morgan," "Don't Gamble With Love," and "Pride of the Marines."

#### Twentieth Century-Fox

The check-up covers 41 pictures, up to "Champagne Charlie," released May 8:

Excellent 9: "Under Two Flags," "Steamboat Round the Bend," "Thanks a Million," "In Old Kentucky," "The Littlest Rebel," "King of Burlesque," "Prisoner of Shark Island," "Country Doctor," and "Captain January."

Very Good 1: "Show Them No Mercy."

Very Good to Good 2: "Professional Soldier," and "A Message to Garcia."

Good 9: "Farmer Takes a Wife," "Gay Deception," "Here's to Romance," "The Man Who Broke the Bank at Monte Carlo," "Paddy O'Day," "Every Saturday Night," "It Had to Happen," "Everybody's Old Man," and "Gentle Julia."

Good to Fair 6: "Charlie Chan in Shanghai," "This Is the Life," "Way Down East," "Navy Wife," "Charlie Chan's Secret," and "Charlie Chan at the Circus."

Fair 8: "Welcome Home," "Dante's Inferno," "Metropolitan," "Your Uncle Dudley," "Here Comes Trouble," "Song and Dance Man," "Country Beyond," and "Champagne Charlie."

Fair to Poor 2: "Bad Boy," and "Music is Magic."

Poor 4: "Dressed to Thrill," "Redheads on Parade," "Thunder in the Night," and "My Marriage."

#### Metro-Goldwyn-Mayer

The check-up covers 29 pictures, up to "Absolute Quiet," released April 24:

Excellent 4: "China Seas," "Broadway Melody," "Tale of Two Cities," and "Rose Marie."

Very Good 3: "A Night at the Opera," "Wife Versus Secretary," and "Small Town Girl."

Very Good to Good 1: "Ah Wilderness."

Good 4: "Anna Karenina," "Exclusive Story," "Petticoat Fever," and "Unguarded Hour."

Good to Fair 1: "Robinhood of Eldorado."

Fair 1: "Here Comes the Band."

Fair to Poor 5: "The Bishop Misbehaves," "It's In the Air," "A Perfect Gentleman," "Tough Guy," and "Voice of Bugle Ann."

Poor 10: "Murder Man," "Woman Wanted," "Kind Lady," "Last of the Pagans," "Three Live Ghosts," "Garden Murder Case," "Three Godfathers," "Moonlight Murder," "Pursuit," and "Absolute Quiet."

#### Paramount

The check-up covers 44 pictures, up to "Florida Special," released May 8:

Excellent 1: "Trail of the Lonesome Pine."

Very Good 1: "Desire."

Very Good to Good 3: "The Bride Comes Home," "The Milky Way," and "The Moon's Our Home."

Good 6: "The Big Broadcast of 1936," "Hands Across the Table," "The Crusades," "Collegiate," "Anything Goes," and "Thirteen Hours By Air."

Good to Fair 4: "Accent on Youth," "Two for Tonight," "Mary Burns, Fugitive," and "So Red the Rose."

Fair 5: "Every Night at Eight," "The Last Outpost," "Rose of the Rancho," "Big Brown Eyes," and "Florida Special."

Fair to Poor 5: "Here Comes Cookie," "The Virginia Judge," "Peter Ibbetson," "Too Many Parents," and "Till We Meet Again."

Poor 19: "This Woman is Mine," "Without Regret," "Annapolis Farewell," "Two Fisted," "Little America," "Ship Cafe," "Coronado," "Millions in the Air," "Scrooge," "It's a Great Life," "Her Master's Voice," "Soak the Rich," "Timothy's Quest," "Woman Trap," "Klondike Annie," "The Preview Murder Case," "Give Us This Night," "F Man," and "Sky Parade."

#### RKO (Radio) Pictures

The check-up covers 27 pictures, up to "The Ex-Mrs. Bradford," released May 15:

Excellent 3: "Top Hat," "Follow the Fleet," and "The Ex-Mrs. Bradford."

Good 3: "Annie Oakley," "In Person," and "The Lady Consents."

Good to Fair 1: "I Dream Too Much."

Fair 5: "Seven Keys to Baldpate," "Sylvia Scarlett," "Love on a Bet," "The Witness Chair," and "Special Investigator."

Fair to Poor 4: "The Return of Peter Grinnin," "We're Only Human," "Farmer in the Dell," and "Murder on the Bridle Path."

Poor 11: "Hi Gaucho," "His Family Tree," "Rain-makers," "To Beat the Band," "Another Face," "To in the Dark," "Chatterbox," "Muss 'Em Up," "Yellow Dust," "Silly Billies," and "Two in Revolt."

#### United Artists

This check-up covers 13 pictures, up to "One Rainy Afternoon," released May 13.

Very Good 2: "These Three," and "The Dark Angel."

Very Good to Good 4: "Modern Times," "Strike Me Pink," "Little Lord Fauntleroy," "The Ghost Goes West."

Good 1: "Barbary Coast."

Good to Fair 1: "Things to Come."

Fair 3: "Red Salute," "Splendor," "One Rainy Afternoon."

Fair to Poor 1: "Melody Lingers On."

Poor 1: "Amateur Gentleman."

#### Universal Pictures

This check-up covers 17 pictures, up to "Dracula's Daughter," released May 24.

Very Good 1: "Three Kids and a Queen."

Very Good to Good 2: "Diamond Jim," and "Love Before Breakfast."

(Continued on last page)



**"Public Enemy's Wife" with Pat O'Brien,  
Margaret Lindsay and Cesar Romero**  
(Warner Bros., July 25; time, 68 min.)

This will do where gangster melodramas of the G-Men type are liked, for it has fast action and some exciting situations. Discriminating audiences may, however, find the story too far-fetched, particularly the ruse used by Pat O'Brien, a G-Man, to capture Cesar Romero, the criminal. The situation where Margaret Lindsay and O'Brien arrive at a hotel after a "forced" marriage are pretty risqué because of the pointed dialogue. It should hold followers of this type of melodrama in fair suspense, owing to the constant danger to Miss Lindsay, whose murderous husband (Romero), whom she had divorced while he was in prison, vowed to kill her as well as the man she would marry. The spectator admires O'Brien for his courage in marrying Miss Lindsay after her society fiancé, through fear, had jilted her. The wedding scene in the church is quite exciting as one expects Romero, who had escaped from prison and had arrived at the church, to carry out his threats. The closing scenes are fairly thrilling; there O'Brien and his assistant capture Romero and save Miss Lindsay, who had been kidnapped by him. The end pleases the spectator for O'Brien and Miss Lindsey find that they really loved each other and wanted to remain married. The parts assigned to O'Brien and Miss Lindsay are not up to their talents. This accounts for occasional listlessness on their part.

P. J. Wolfson wrote the story, Abem Finkel and Harold Buckley the screen play, Nick Grinde directed it, and Sam Bischoff supervised. In the cast are Robert Armstrong, Dick Foran, Joseph King, and others.

Not for children or Sundays. Adult entertainment. *Class B.*

**"White Fang" with Michael Whalen  
and Jean Muir**

(20th Century-Fox, July 3; time, 74 min.)

This is a sequel to "Call of the Wild" but not as impressive. It is just a fair outdoor melodrama, with a routine plot similar to the usual run of westerns. These are some glaring inconsistencies in the action. These will surely be noticed by discriminating audiences; but the ordinary picture-goers may overlook them. To such, the picture should prove a fair summer entertainment. The acting is superior to the screen play, the leading characters awakening sympathy by their courage. The closing scenes provide the most excitement; there the villain, in an attempt to get rid of the hero who stood in his way, tries to convince the people of his village to hang the hero for a crime he had not committed. The love affair is charming and its development satisfies the spectator:—

Michael Whalen (hero), disgusted at his bad luck in the Klondike, decides to return to his home in Seattle. He meets Jean Muir (heroine), and her brother (Thomas Beck), who had just reached Alaska to take control of a gold mine they had inherited. Whalen cannot persuade Jean to give it up and return to civilization. She finally promises to return provided he would accompany her brother

to the mine. Whalen grudgingly consents to do this. The trek to the mine proves too arduous and nerve-wracking for Beck, and he kills himself while Whalen is out looking for food. Whalen travels on and when he arrives at the Alaskan town poses as Beck, claiming the mine. He ousts John Carradine, who had taken possession of it, and makes an enemy of him. Whalen takes as much gold as he feels he needs and prepares to go back to the States. But he is prevented from doing so by the unexpected arrival of Miss Muir. She is heart-broken when she hears of her brother's death and depends on Whalen to help her. He confesses that he had robbed the mine but she forgives this when she learns that he did nothing more than Carradine. Whalen, in order not to disappoint her as to her brother's courage, tells her Beck had died of pneumonia. But Carradine learns that Beck's body had been found with a gun wound. He incites the villagers to hang Whalen, but Whalen is saved when the country doctor produces the diary he had found on Beck's body, proving suicide. Miss Muir and Whalen marry and go back to Seattle, leaving a friend in charge of the mine.

The plot was adapted from the Jack London story; Gene Fowler, Hal Long and S. G. Duncan wrote the screen play, David Butler directed it, and Bogart Rogers produced it. In the cast are Charles Winninger, Slim Summerville, and others.

Suitable for all. *Class A.*

**"Crash Donovan" with Jack Holt**

(Universal, July 12; time, 54 min.)

Good program entertainment for the masses. The action is fast and at times thrilling. Most of the excitement occurs during the scenes that show motorcycle policemen giving chase to speeders and crooks. The most thrilling situation is that in which Jack Holt rides his motorcycle down a hill, crashing into the hut in which smugglers were hiding and holding his pal a prisoner. The scenes that show the training "rookies" must undergo to become efficient highway patrolmen should prove interesting, particularly to men. The love interest is incidental:—

Holt, a carnival stunt performer, impressed with the courage displayed by the motorcycle policemen in their dangerous work, decides to give up carnival work and join the force, one of his reasons for doing so being pretty Nan Grey, daughter of the commanding officer. But he soon finds out that she is in love with his pal, John King, Holt's partner in highway patrol work. Holt promises Nan to keep his eye on King to see that no harm befalls him. While out on duty, Holt and King give chase to smugglers who were speeding to their hideout. King is wounded and taken prisoner by the smugglers while Holt rushes for help. Eventually Holt, by an act of bravery, rescues King and rounds up the gang. He decides to quit the force to go back to carnival work.

Harold Shumate wrote the story, and Eugene Solon, Charles Grayson and Carl Detzer the screen play; William Nigh directed it, and Julius Bernhein produced it. In the cast are Eddie Acuff, Hugh Buklerr, Ward Bond, and others.

Suitable for all. *Class A.*



**"The Return of Sophie Lang" with Gertrude Michael and Ray Milland**

(Paramount, July 3; time, 63 min.)

A fair program crook melodrama. Although it lacks exciting action, it holds one's attention throughout owing to the danger to Gertrude Michael (heroine), a sympathetic character. The closing scenes, where Miss Michael outwits Sir Guy Standing, a jewel thief who was attempting to involve her in the theft of a famous diamond, hold one in fairly tense suspense. Sympathy is awakened for Miss Michael because of her efforts to go straight after having lived by her wits for many years. The love interest is pleasant:—

While on her way to America with Elizabeth Patterson, her employer and benefactor, Miss Michael meets Ray Milland, a newspaper reporter, and the two fall in love with each other. She is shocked to find that Sir Guy Standing is one of the passengers, for he was the only one who knew that she is a notorious, but reformed, jewel thief. Standing knows that Miss Patterson had just bought a famous and valuable diamond and believes that Miss Michael was planning to take it for herself; she cannot convince him that she had gone straight. By a clever ruse he steals the diamond. Miss Michael is compelled to tell Miss Patterson of her past; Miss Patterson stands by her and believes in her. With the help of Milland, who, too, forgave her past life, she eventually retrieves the diamond and turns Standing over to the police. Her past finished, she plans to marry Milland.

Frederick Irving Anderson wrote the story, and Patterson McNutt and Brian Marlow the screen play; George Archainbaud directed it, and Dario Faralla produced it. In the cast are Colin Tapley, Paul Harvey, and others.

Because of the robbery it is hardly suitable for children; otherwise suitable for all. *Class B.*

**"Hot Money" with Ross Alexander and Beverly Roberts**

(Warner Bros., July 18; time, 68 min.)

A pretty good farce-melodrama. It is very similar to "High-Pressure," made by Warner Bros., in 1932. The action is so fast that, despite the familiarity of the plot, the spectator is held in tense suspense throughout. There are many exciting and comical situations. Most of the laughter is provoked by the high-pressure salesmanship methods used by Ross Alexander in promoting the sale of stock for a newly formed company. The reason for the excitement is that the spectator is not certain whether the inventor of the formula for which the stock was being sold is sane or not, or if his invention is any good. The closing scenes are the most exciting; there Alexander, surrounded by irate customers and government officials, is saved from harm by the timely arrival of the inventor:—

Alexander, upon his release from prison, undertakes to sell stock in a company formed by Joseph Cawthorn. The idea was to sell \$1,000,000 worth of stock in order to purchase from Paul Graetz his invention for a gasoline substitute that would revolutionize the industry. Everything goes along smoothly until Graetz disappears and Alexander is left without the liquid, necessary for the demon-

strations. Beverly Roberts, Alexander's secretary-sweetheart, pleads with him to run away. Just at the moment when Alexander is surrounded by angry customers and government representatives Graetz appears with enough of the liquid to give the demonstration. The gasoline combine of America offers Alexander \$10,000,000 for the formula, which he accepts.

The plot was based on a story idea by Abem Kandel. William Jacobs wrote the screen play, William McGann directed it and Bryan Foy produced it. In the cast are Andrew Tombes, Harry Burns, Eddie Conrad, and others.

Suitable for all. *Class A.*

**"Meet Nero Wolfe" with Edward Arnold and Lionel Stander**

(Columbia, August 1; time, 71 min.)

Only a fair murder mystery-melodrama. The plot is mystifying, but the action is slow. As a matter of fact, the theme is developed mostly by dialogue with a minimum measure of action. For example, Edward Arnold, the detective who solves the mystery, never leaves his home, preferring to stay there, drinking beer and attending to his indoor gardening; for clues, he sends out others. His findings are, therefore, divulged not by means of action but by his restating of them to others. For this reason the story lacks convincingness, weakening one's interest. The interest is weakened also by the fact that there are injected into the plot too many by-plays. There is a slight romantic interest that has nothing to do with the plot. Lionel Stander provides some good comedy moments as Arnold's complaining assistant:—

A mysterious death on a golf course, followed by the death of another man near the course, leads Arnold to believe that both deaths were murders. He makes his findings known to the family of the man who died first, and he is engaged by them to solve the case. He warns Russell Hardie that his father is in danger and convinces him that he should be under guard. Arnold has all the suspects rounded up and brought to his home. There he proves that the murderer is Hardie, who, in his plans to kill his own father, had killed the other two men. He hated his father because he believed him to be responsible for his mother's death. Hardie is subdued and taken by the police. Arnold, happy at his success, goes back to his beer and garden. Stander is free to marry Dennie Moore, who had been following him for days.

Rex Stout wrote the story, and Howard J. Green, Bruce Manning and Jos. Anthony the screen play. Herbert Biberman directed it, and B. P. Schulberg produced it. In the cast are Joan Perry, Victor Jory, Nana Bryant, and others.

Because of the murders it is hardly suitable for children. Adult entertainment. *Class B.*

**"Hearts Divided" with Marion Davies**

(First National, June 6; running time, 76 min.)

In the review for this picture that appeared in the June 20 issue; the running time was given as 69 minutes. The picture has been lengthened and its running time now is 76 minutes.



Fair 4: "His Night Out," "The Great Impersonation," "Don't Get Personal," and "Stormy."

Fair to Poor 6: "Storm Over the Andes," "King Solomon of Broadway," "The Affair of Susan," "Invisible Ray," "Dangerous Waters," and "Dracula's Daughter."

Poor 4: "Fighting Youth," "Remember Last Night," "Sweet Surrender," and "East of Java."

### Warner-First National

This check-up, which includes the features of the two companies, covers 35 features.

Excellent 2: "The Story of Louis Pasteur," and "Shipmates Forever."

Very Good 2: "Ceiling Zero," and "Friseo Kid."

Very Good to Good 1: "I Found Stella Parish."

Good 5: "Special Agent," "Dr. Socrates," "Dangerous," "The Petrified Forest," and "I Married a Doctor."

Good to Fair 9: "The Goose and the Gander," "The Singing Kid," "Brides Are Like That," "Page Miss Glory," "Little Big Shot," "Miss Pacific Fleet," "Colleen," "Sons of Gun," and "The Golden Arrow."

Fair 9: "Personal Maid's Secret," "Stars Over Broadway," "Widow From Monte Carlo," "Boulder Dam," "Times Square Playboy," "Case of Lucky Legs," "Broadway Hostess," "Road Gang," and "Snowed Under."

Fair to Poor 5: "I Live For Love," "Freshman Love," "Man Hunt," "Walking Dead," and "The Murder of Dr. Harrigan."

Poor 2: "The Payoff," and "Man of Iron."

## THE POPE'S APPROVAL OF LISTING THE GOOD AND THE BAD PICTURES

Every one of you has read, I believe, the letter His Holiness the Pope issued recently about listing also the poor pictures, so that those who subscribe to the oath of the Legion of Decency may be able to know what the bad pictures are, in order that they may keep away from them.

There seems to be some discrepancy in the policy of classifying pictures in the United States. The Detroit and the Chicago councils of the Legion of Decency were for listing the unworthy pictures; some other councils believed that listing the good pictures and praising them, and at the same time forgetting the poor pictures would attain better results.

HARRISON'S REPORTS endorsed the stand of the Chicago and the Detroit councils, for it felt that it was the only way whereby exhibitors could know what are the bad pictures and so avoid showing them.

But even this plan would not take care of the situation when one bears in mind that the exhibitors have to buy the pictures long before they are produced, in the majority of the cases without any description of these pictures. Any one can thus see that, even under the Detroit and the Chicago plan (which originated in Detroit, one of the most prominent proponents of the system being Mr. Arthur D. Maguire, president of the Detroit Council of Catholic Organizations), the exhibitor could not avoid being punished for showing pictures he did not produce, and had no voice whatever in the production of them.

For several years, the independent theatre owners have tried to have Congress enact a bill outlawing block booking and blind selling, so that the exhibitors might not be compelled to contract for pictures decent American citizens did not want to see. What the opposition to such a bill has been, engineered by the producers and their representatives, is too well known to need reiteration. But the saddest part of this whole matter is that, at the Congressional Committee's hearing of the Neely-Pettengill Bill last March, a spokesman of the National Legion of Decency, representing, according to his own statement, the Bishop's Committee on Motion Pictures, appeared as a witness and spoke against the passage of this bill.

In view of the position the Pope has taken in this matter, the representatives of Allied States, the only national independent theatre owner organization, should call on the Apostolic Delegate to explain the position of the independent theatre owners, asking him to intercede with the Bishops' Committee to the end that their opposition to this piece of legislation be removed. What has prompted the Bishop's Committee to take such a stand is their belief that the Pettengill Bill is a censorship measure. The exhibitor

leaders should have no difficulty in explaining to the Apostolic Delegate that the Neely-Pettengill Bill is not a censorship measure, but a law that will enable the independent theatre owners, whether Catholics, Protestants or Hebrews, to avoid showing pictures His Holiness the Pope and all decent Americans condemn.

## A U. S. GOVERNMENT REPRESENTATIVE'S VIEWS ON THEATRE OWNERSHIP BY PRODUCERS

One of the most important speakers at the annual convention of Allied States Association in Cleveland last month was Mr. Russell Hardy, Special Assistant U. S. Attorney-General, the man who prosecuted the St. Louis case.

Naturally, Mr. Hardy spoke about that case, giving the exhibitors present and to the industry in general a sort of accounting as to the motives that prompted the government to prosecute that case to the end. The statements he made, however, were so startling that I asked Mr. Abram Myers, Allied States counsel, for a transcript of his talk, so that I might be able to give in these columns important extracts.

In the introductory part of his speech Mr. Hardy recapitulated the details of the criminal action and followed them with details of the Equity suit, first in St. Louis, and afterwards in New York. After the presentation of these facts, he commented on the general situation and answered certain criticism made against the Government in that action. He said partly:

"Prior to the depression, and during the early years of the depression, Warner and Paramount were jointly interested in the operation of these three theatres (The Missouri, New Grand Central, and Ambassador.) They had long term leases on the theatres running a generation. They had franchises for pictures for the same period of time.

"The depression came, and they left those theatres—so to speak, they walked away from them.

"Time went on. Business conditions improved. The owners of the properties finally offered them for lease to the highest competent bidder.

"That was in 1934. The theatres were desirable and many interests submitted bids.

"There were only three bids of interest in this law suit. One bid was submitted by Warner Bros., one was submitted by the Skourases and another was submitted by Fanchon & Marco Company.

"Warner decided to resume the enterprise which they had previously abandoned; they proposed to resume the enterprise which by virtue of their leases and picture franchises they could have held through the depression and without interruption for a generation. . . .

"Well, as I say, these three bids were submitted for these theatre properties. Warner Bros. immediately began an effort to drive the other two bidders from the scene. They succeeded in disposing of the Skourases, principally because they had acquired a number of bonds, I think something like \$375,000 face value, which had been personally guaranteed by the several Skouras brothers. It was intimidated—and I might use a much stronger word than 'intimidated'—that suit would be brought on that guarantee. At least the Skourases quickly faded from the scene.

"It was not so easy to dispose of Fanchon & Marco. They had procured leases for the theatres. They were in too far and had committed too much to yield without a struggle. Fanchon & Marco needed the Warner, Paramount and RKO product to operate the theatres. Warner Bros., however, cut them off, by procuring commitments for the Paramount and RKO products. Warner has its own and that of First National in addition. It then acquired two theatres, two obsolete theatres, in St. Louis, which had been originally built for the legitimate theatrical business, and at that time had long been disused. Warner had twenty-five percent in number of the theatres in St. Louis, and I think something like fourteen to seventeen percent of the first run seats, and fifty per cent of the product.

"The Fanchon & Marco Company was faced with the necessity of picking up what product it could get,—good, bad and indifferent, here and there. . . ."

Some more extracts of Mr. Hardy's speech will be published in next week's issue. I am sure that you will be interested in what he said about theatre ownership by producer-distributors.



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Vol. XVIII

SATURDAY, JULY 25, 1936

No. 30

## RETAIN YOUR RIGHTS ON "NOT GENERALLY RELEASED" PICTURES

The end of the 1935-36 season is already here and the time for notifying the distributors that you want all "not generally released" pictures will approach soon. For this reason every one of you should know when you should send your written notice so that you might retain your rights to such pictures.

### Columbia

The Columbia contract runs from September 1, 1935, and ends October 31, 1936. All pictures that are not released generally during this period of time are taken out of the contract; but Columbia is under an obligation to send a written notice to that effect not later than October 15 (1936). But if the contract holder should send a written notice, not later than November 30, that he wants such pictures, then the distributor must deliver them, if he should produce them by October 31, 1937; his notice, in such an event, is of no effect.

According to its worksheet, this company sold 2 pictures to be directed by Capra, 2 to be supervised by Capra, 2 with Grace Moore, 1 with Ronald Colman, 1 with George Raft, 1 with Ruth Chatterton, 1 with Irene Dunne, 1 with Jean Arthur, 1 with Edward Arnold, and other pictures with other stars, of lesser fame.

### First National-Warner Bros.

The First National-Warner Bros. contract runs from September 1, 1935, to August 31, 1936. On all "not generally released" pictures, the distributor must send his written notice to the exhibitors not later than September 15, and the exhibitor not later than September 30.

### Fox and Twentieth Century-Fox

The contract of this company does not contain a "Not Generally Released" clause. The life of its contract is for twelve months, beginning with the play-dating of the first picture in accordance with the terms of the contract.

The contract of this company guarantees to the exhibitors that, with the exception of such pictures as are written into the Schedule, no picture is foreign-made.

### Metro-Goldwyn-Mayer

The contract of this company expires August 31, 1936, with the provision that, if MGM should release up to August 31, 1937, any pictures that it did not produce during the life of the contract, it is under an obligation to deliver them to the exhibitors. No written notice is necessary by either party.

### Paramount

The Paramount contract runs from August 1, 1935, to July 31, 1936. It does not contain a "not generally released" clause.

## RKO

The RKO contract runs from September 1, 1935, and ends August 31, 1936. On the "not generally released" pictures, the distributor must send his written notice to the exhibitor not later than September 15, and the exhibitor not later than September 30.

## Republic

The provision about "not generally released" pictures in the Republic contract is the same as that of the RKO contract.

## United Artists

The United Artists contracts, being for single pictures, do not contain a "not generally released" provision.

## Universal

The "not generally released" provision of the Universal contract is the same as that of the RKO contract.

## Twentieth Century (Zanuck)

The Twentieth Century pictures contract does not contain a "not generally released" provision.

## A U. S. GOVERNMENT REPRESENTATIVE'S VIEWS ON THEATRE OWNERSHIP BY PRODUCERS

(Continued from last week)

"From the beginning all of the parties involved in this conflict lost money, and more than money. Warner Brothers lost a very substantial sum of money at its theatres each week from the beginning to the end of this conflict. Paramount and RKO lost in prestige, exploitation and film rental for the use of its pictures at these inferior theatres, which would not have been the case had they been shown in the Fanchon & Marco theatres. Fanchon & Marco lost much money in box office returns. The public gained nothing. It paid the same prices to see the pictures, and it saw them in inferior theatres, in uncomfortable places. The public lost. Usually in competitive conflicts that come to the attention of the courts under the anti-trust laws, the defendants can say with some truth, 'Well, the public has gained from this conflict. This is merely competition.'

"It is not true that such conflicts are competition. Certainly it was not competition in this situation. It is sometimes said that these situations are the product of competition. They are not the product of competition. They are the result of power. They are the product of great economic power. No one ever heard of two moderate-sized businesses attacking each other in this way, but one has frequently heard of a

(Continued on last page)



**"The Devil Doll" with Lionel Barrymore, Maureen O'Sullivan and Frank Lawton**  
(MGM, July 17; time, 77½ min.)

This horror melodrama is extremely well made, but it is too fantastic for popular appeal. The unusual camera work, which shows humans reduced to the size of small dolls, is done cleverly and realistically; it is also novel. But the story does not make for pleasant entertainment since most of the footage is taken up with Barrymore's diabolical scheming to destroy the three men who had been responsible for sending him to prison and ruining his family. One is held in suspense, not knowing in which way Barrymore will avenge himself. Despite his murderous tactics, one cannot help feeling pity for him, for he had been innocent of the charges against him. The scenes that show him longing to acknowledge his relationship to his daughter (Maureen O'Sullivan), but restraining himself because he knew that she hated him and did not believe in his innocence, stir the emotions. And the closing scenes, where he bids her farewell without telling her he is her father, are touching. The love interest is just a minor part of the story.

In the development of the plot Barrymore and Walthall escape from prison. For fifteen years Barrymore had planned the escape, his one desire being to kill his three banking partners who had framed him and sent him to prison. The shock had killed his wife and had turned his daughter against him. Walthall shows Barrymore his discovery of a liquid which, when injected into a human or animal, reduced it to doll size. When Walthall dies, Barrymore goes to Paris with his widow, his intention being to carry on the work only until he had finished punishing his three former partners. The first one he lures to his workshop and reduces to doll size. He has control of the minds of those whom he reduces, and sends one of his victims to inject into the second victim a liquid which paralyzes him. The third victim is so frightened that he confesses, clearing Barrymore's name. But Barrymore, because of the horrible things he had done, cannot reveal his identity to his daughter. Instead he plans to do away with himself. The daughter, happy to learn of her father's innocence, does not hesitate to marry Lawton, whom she loves.

The story, which was written by Tod Browning, is based on the novel "Burn Witch Burn," by A. Merritt. Garrett Fort, Guy Endors, and Erich Von Stroheim wrote the screen play, Tod Browning directed it, and Edgar J. Mannix produced it. In the cast are Robert Greig, Lucy Beaumont, Pedro De Cordoba, and others.

Not for children. Adult entertainment. *Class B.*

**"We Went to College" with Walter Abel, Hugh Herbert and Una Merkel**  
(MGM, July 3; time, 68 min.)

Just a moderately entertaining comedy. It would have been of no consequence if it weren't for the capable performers, who make the most out of the rather weak material. The plot is extremely thin, and should appeal mostly to mature people, who will appreciate the desire of some of the adults to recapture the spirit of their youthful school days. Most of the comedy is provoked by Hugh Herbert, as an absent-minded professor, who is kept busy arranging college entertainments. The efforts of Una Merkel, Herbert's wife, to rekindle the affair she had had with Abel in her youth provoke some laughter.

In the development of the plot Abel, an energetic business man who had no time for sentiment, agrees to his wife's suggestion that he go to his college reunion, because he saw an opportunity to get some business there. He is joined by his wife and Butterworth, his assistant. When he arrives there, he is at first impatient with all the fuss and noise. But a few drinks help him and soon he is in the midst of the fun. Miss Merkel takes him on a moonlight walk and tries her best to have him make love to her. He kisses her, thinking it is just a good joke. But she takes him seriously and when she gets back to her home she telephones to Edith Atwater, Abel's wife, telling her that she and Abel are going to run away together. Miss Atwater is furious to think that Abel made such a fool of himself. But everything is finally adjusted, and Abel, although he returns home without the order, feels better for the trip.

George Oppenheimer and Finley Peter Dunne, Jr., wrote the story, and Richard Maibaum and Maurice Rapf the screen play. Joseph Santley directed it and Harry Rapf produced it. In the cast are Walter Catlett, and others.

Suitable for all. *Class A.*

**"Final Hour" with Ralph Bellamy and Marguerite Churchill**  
(Columbia, July 7; time, 56½ min.)

A mild program melodrama; the theme is trite and far-fetched. Whatever interest the spectator may have in the picture will be owing more to the good performances by the leading players than to the story itself. There is some excitement in the closing scenes where Ralph Bellamy traps Marc Lawrence, who had killed John Gallaudet and then put the blame on Marguerite Churchill; however, the way in which he chooses to do this is not quite logical. One feels sympathy for Bellamy and Miss Churchill throughout because of their loyalty and efforts to help others:—

When Bellamy's wife throws him over for another man, he takes to drink, neglecting his law practice and is soon impoverished. Miss Churchill, whom Bellamy had once helped, finds him in a stupor in a cafe and takes him to her apartment. Together with Gallaudet, the cafe owner, she brings Bellamy back to health. Bellamy, in order to show his appreciation, promises to help Gallaudet out of a mess. Gallaudet was being threatened by Lawrence with exposure of his past unless he joined him in shady work. On Bellamy's advice Gallaudet agrees to accompany Lawrence in a kidnap job; he first tips off the police. The gangsters, with the exception of Lawrence, are killed. Bellamy, fearing for Gallaudet's life, insists that he be watched by federal men. But Gallaudet soon tires of this, feeling that Bellamy was purposely doing this to keep him out of the way so that he could make love to Miss Churchill. He orders the federal men out of his cafe; that night he is killed by Lawrence, whose henchman pins the crime on Miss Churchill. She is tried and sentenced to be hung. Bellamy, knowing that Lawrence was guilty, plans to trap him; the scheme works. Lawrence is killed trying to escape from the police. Miss Churchill is freed; she marries Bellamy, whose wife had divorced him.

Harold Shumate wrote the story and screen play. D. Ross Lederman directed it. In the cast are George McKay, Lina Basquette and others.

Not for children or Sundays. Adult entertainment. *Class B.*



**"Three Cheers for Love" with Eleanore Whitney and Robert Cummings**

(Paramount, June 26; time, 60 min.)

A mildly entertaining program comedy with music. The best it can offer is the dancing of Eleanore Whitney, a newcomer to the screen, who executes intricate tap routines with ease. The story is ordinary; and the lack of star names makes it somewhat weak box-office fare. It should please mostly young people, who may enjoy the popular tunes and dances. Roscoe Karns and William Frawley, two able comedians, work pretty hard to put over their comedy lines, but they are weighed down by poor material. The romance is fairly appealing:

At the insistence of her stepmother, Miss Whitney, daughter of John Halliday, a motion picture producer, is sent to a fashionable finishing school. Elizabeth Patterson, owner of the school, which was on the verge of bankruptcy, agrees to Frawley's suggestion that she make use of his stranded theatrical troupe to pose as pupils. His purpose was to put on a show, to which he would invite Halliday, and so impress him with his ability, that Halliday would engage him and his friends to make a picture. Miss Whitney realizes that she had been fooled; but she does not mind this since she had fallen in love with Robert Cummings, the song-writing member of the troupe. Complications set in when Grace Bradley tries to make Miss Whitney believe that Cummings had been making love to her just as part of the scheme. But everything works out eventually: Halliday comes to see the show, is duly impressed, and buys it to put into a picture in which he stars his daughter and Cummings. Miss Whitney accepts Cummings' marriage proposal.

George Marion, Jr., wrote the story, and Barry Trivers the screen play. Ray McCary directed it, and A. M. Botsford producer it. In the cast are Veda Ann Borg, Louis DaPron, and others.

Suitable for all. *Class A.*

**"Mary of Scotland" with Katharine Hepburn and Fredric March**

(RKO, Date not set; time, 121 min.)

Powerfully dramatic! Excellently cast and skillfully directed by John Ford, it is entertainment that, despite its great appeal to intelligent audiences, should appeal also to the masses. The picture stirs the emotions deeply in that the character of Queen Mary, portrayed by Katharine Hepburn most capably, is one that endears her to the audience by virtue of her charm, honesty, and courage. The humiliation and the heartaches she suffers move one deeply. The constant danger to Mary, whose enemies were plotting against her, keeps one in tense suspense throughout. The spectator is aroused at the cruelty, scheming, petty jealousy, and heartlessness of the nobles of Mary's day, who cared little for the welfare of others but themselves. The life of a person meant nothing to them if he stood in their way. The situation in which they murder Rizzio (John Carradine), Mary's secretary and true friend, is an example of their cruelty. The love affair between Mary and Lord Bothwell (Fredric March) is handled with restraint; their suffering and eventual death at the hands of the schemers is pathetic. The most dramatic scene is that in which Mary and Elizabeth meet just before Mary is to be put to death; Mary enrages Elizabeth by making her feel inferior. Mr. Ford, by his capable direction, makes each performer's part, down to the smallest bit, outstanding.

The story deals with the unhappy and short-lived reign of Mary Stuart. Surrounded on all sides by scheming lords, including her own half-brother, James Stuart, Mary finds happiness in her friendship with Lord Bothwell, whom she loved. She realizes that marriage with him would be impossible and so she follows the advice of her lords to marry Lord Darnley, a weakling, who was next in line to the English throne. Elizabeth Tudor, Queen of England, feeling that while this union lasted her throne was insecure, schemes to break it up. Darnley is killed by the lords when they feel they have no further use for him. Helped by Bothwell, Mary outwits the lords and remains on the throne. Against her better judgment, she marries Bothwell, only to be separated from him twenty days after their marriage. Bothwell is forced to leave the country, and Mary is made a prisoner. Elizabeth pretends to be her friend, and arranges for her escape. But as soon as Mary arrives in England she is made a prisoner, and is eventually put to death as a plotter against Elizabeth. But she dies happy in the knowledge that it will be her son who will some day rule England. Bothwell dies in a hospital prison.

The plot was adapted from the stage play by Maxwell Anderson. Dudley Nichols wrote the screen play. Pandro S. Berman produced it. In the cast are Douglas Walton, Ian Keith, Alan Mowbray, and others.

Suitable for all. *Class A.*

**"Earthworm Tractors" with Joe E. Brown and June Travis**

(First National, July 18; time, 68 min.)

A pretty good farce. There should be a ready-made audience for this in the great number of people who have read the stories in the *Saturday Evening Post*. It is a mixture of new and old gags, some of them extremely comical. The situations that show Joe E. Brown driving a tractor, of which he knew nothing, in order to demonstrate to Guy Kibbee the worthiness of the machine, should provoke howls of laughter because of the difficulties into which Brown gets; he takes the tractor over mountain country which was being dynamited, and finally lands on a frail bridge, over a gorge, which collapses just after he passes over it. His efforts at salesmanship are laugh provoking:—

Brown, egged on to do big things by Carol Hughes, his sweetheart, decides to sell tractors. He writes a letter to the Earthworm Tractor Co. praising himself and they engage him as a salesman. His assurance gets him into trouble on many occasions, to the annoyance of his office; he is discharged several times but always reengaged because he comes through with an order. He meets June Travis, daughter of cranky Kibbee, and falls in love with her. But he feels he must keep his promise to Miss Hughes and returns to marry her. To his joy, he finds that she had married some one else. He rushes back to Miss Travis to learn that she had left for Chicago, where he follows her. Eventually he finds her but she refuses to listen to his pleas; she returns home. Brown finally wins her; he proves his prowess as a super-salesman by finally selling a large number of tractors to her father.

William Hazlett Upson wrote the story, and Richard Macauley, Joe Traub, and Hugh Cummings the screen play; Raymond Enright directed and A. M. Botsford produced it. In the cast are Dick Foran, Olin Howland, and others.

Suitable for all. *Class A.*



very large business attacking small and moderate sized competitors in that way. And such an attack is made only because of the possession of the power to make it.

"At this stage of the matter, the Government came upon the scene and took the steps which I have described. The Government's interposition in the matter, I am satisfied, enabled the Fanchon & Marco enterprise to hang on. It certainly gave them the only hope that could have been given them, that they could successfully survive the conflict. It undoubtedly prevented the defendants from using more drastic methods to drive these people from the business. It undoubtedly prevented them from increasing and intensifying the coercive and oppressive methods to bring the Fanchon & Marco enterprise to its knees. The rest of the story is already known.

"This unwise, destructive warfare has been brought to an end on a basis which ends the losses of all the contending parties, which provides a supply of pictures for one of the lesser enterprises in the motion picture trade, and provides an assurance to it of a long, peaceful and profitable future.

"Severest expressions of criticism have been made by the defendants that the Government in interfering in the St. Louis trouble was taking sides and meddling in a private controversy. They made the point that they should be permitted to have their way with a smaller enterprise, and that such an enterprise should be left to its own resources for protection and preservation in such a conflict—that it should make its own application to the courts for relief. They would have those to whom this criticism is addressed lose sight both of the practical facts in such a situation and of the fundamental purposes of the anti-trust laws.

"What are some of those practical facts? The Fanchon & Marco Company was an enterprise having resources which compared to those opposed to it, was as one to three thousand. Why, in a private action by that company the cost of an injunction bond alone would be too great. The mere contemplation of the heavy cost—which is only a single item to be considered—would be enough to induce them to quit.

"On the other hand, what are the facts as to Warner, Paramount and RKO? They have 50 percent of the supply of pictures which are absolutely indispensable for conducting an exhibition business. They have assets valued at more than \$700,000,000. They have about 1,900 of the best motion picture theatres in the country, located in the most lucrative metropolitan areas. They enjoy the first run of all the pictures, the preferential and lucrative use of the films. To these invaluable physical advantages enjoyed by the defendants, Judge Thacher, formerly a judge of the Federal court at New York and one of counsel for Paramount, has attributed 'irresistible economic force.' They had these physical advantages, this irresistible economic force, as Judge Thacher also said, 'consolidated by combination.'

"Warner, Paramount and RKO, not only among themselves, but with the other producers in the business, are a highly organized group, in constant personal contact with each other. They

are purchasers and users in large volume of the pictures made by each other. The harmonious, sympathetic and mutually helpful action which obtains among the members of this dominating and powerful group is inevitably developed and strengthened by these facts, as well as by other strong considerations of self interest.

"Not the least of their advantages is the remarkable fact that Warner, Paramount and RKO are three of the small number of eight companies who produce all or almost all of the first class feature pictures, and as a result of which they exercise practically all of the great economic power of the sixth largest industry in the country.

"Another advantage is the ease with which a few in any industry can conspire to restrain trade, and the corresponding difficulty of detection and successful prosecution of such conspiracies. The necessary supply of pictures in the hands of a few companies makes it a simple problem to formulate and make effective any arrangements to deal with what they may deem to be recalcitrant factors in the business. This fact is not one peculiar to the motion picture industry. It is true with regard to many of the industries in the country where there are but a few dominating factors.

"It would seem that a combination representing 50 percent of the production in the sixth largest industry, strengthened and fortified by control of 1,900 of the choicest and strongest agencies of distribution, enjoying special privileges and priorities exchanged among the dominating factors, and possessing assets valued at more than \$700,000,000, is a formidable and well nigh irresistible thing. Such a vast aggregation can overwhelm the strength and crush the resistance of any other company or combination of companies to which it may be opposed, unless the prestige, influence, resources and strong arm of the Government are interposed to protect them against oppression.

*(To be concluded next week)*

### TRADE PRACTICE CONFERENCE OF M.P.T.O.A. A "BUST"

The trade practice conferences that were held in New York City between delegates of Motion Picture Theatre Owners of America and the major producers have burst; they brought no results. The major companies will continue carrying on their business as before.

No sound-thinking person could have expected these conferences to bring any results, for it is unlikely that the producers will give up any of the privileges they enjoy now just because they have been petitioned by the representatives of an organization they are maintaining with their own money. The only time they give up anything is when they are compelled to do so.

There is one thing, however, that these conferences did—they furnished copy to the trade papers. And this is something when one bears in mind that it is very difficult for trade journals to get copy before summer.

How about a real trade practice conference between producers and representatives of unsubsidized exhibitor organizations?



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### TOO MANY MURDER STORIES

An exhibitor has written me as follows:

"What on earth is the matter with the producers? They are making so many murder pictures! For the past six weeks practically ninety per cent of them are based on murder.

"Please use enough space in your paper to start a movement to clean up the pictures of murder, just as you did in the last movement, where you had the producers clean them of vulgarity.

"Our audiences are complaining about the number of murder pictures we are showing them."

I made a check up to find out what is the proportion of pictures that are either founded on murder, death, kidnaping, activities of crooks, and the like, or their themes revolve around attempted murder, and have found that, out of the last 90 pictures that I reviewed, 47 are of this character. They are the following:

COLUMBIA 7: "Abdul the Damned," "Devil's Squadron," "Roaming Lady," "The Mine with the Iron Door," "The Final Hour," "Counterfeit," and "Meet Nero Wolfe."

FIRST NATIONAL 4: "Murder by an Aristocrat," "Bullets and Ballots," "The Law in Her Hands," and "Two Against the World."

METRO-GOLDWYN-MAYER 5: "Absolute Quiet," "Speed," "Fury," "The Devil Doll," and "San Francisco."

PARAMOUNT 8: "The Princess Comes Across," "Forgotten Faces," "The Case Against Mrs. Ames," "Florida Special," "The Fatal Lady," "The Return of Sophie Lang," "Border Flight," and "And Sudden Death."

RKO 3: "The Ex-Mrs. Bradford," "Special Investigator," and "The Last Outlaw."

REPUBLIC 2: "Federal Agent," and "Frankie and Johnnie."

UNIVERSAL 3: "Dracula's Daughter," "Crash Donovan," and "Parole."

TWENTIETH CENTURY-FOX 6: "Human Cargo," "Champagne Charlie," "Under Two Flags," "Half Angel," "White Fang," and "The Crime of Dr. Forbes."

UNITED ARTISTS 1: "I Stand Condemned."

WARNER BROS. 2: "Public Enemy" and "The Big Noise."

CHESTERFIELD-INVINCIBLE 2: "Below the Deadline," and "Easy Money."

INDEPENDENT AND BRITISH 4: "Desert Justice," "The Last Journey," "Secret Agent," and "The Revolt of the Zombies."

The production of so many murder pictures is an indictment against the producers; it is an admission that they are running short of ideas and are falling back upon the murder story to take care of their releasing schedules.

Perhaps there will be no loud protest in this instance. But the picture-going public has another means of expressing its disapproval—staying away from the theatres. And certainly the producers don't want public resentment to reach that point!

### A U. S. GOVERNMENT REPRESENTATIVE'S VIEWS ON THEATRE OWNERSHIP BY PRODUCERS (Continued from last week)

"I say that this criticism of the Government in the St. Louis suit was intermeddling in a private matter, is also based upon a misconception of the fundamental purposes of the anti-trust laws.

"The anti-trust laws were made to help the little fellow against the aggression of the big fellow, and the Government was authorized to enforce those laws so that the small enterprise might have the help of a champion equal in power and ability to any oppressor. The purpose of the anti-trust laws is, like the fundamental purpose of democratic government itself, to promote a diffusion of wealth and opportunity among the population. This is sought to be accomplished by protecting the right of the individual, the small and lesser enterprise, to pursue a trade or business free from interference or exclusion by others—to prevent others from putting hindrances, burdens or limitations upon the enjoyment of that right. The 'main cause' which led to the enactment of the anti-trust laws, as the Supreme Court has said, was a widespread impression that individuals, small and moderate sized enterprises, had been and would be oppressed and interfered with in the exercise of this right by those enjoying superior and irresistible economic resources, unless an agency with the resources of and as strong as the Government should step in to prevent it.

"The causes of the trouble in the St. Louis situation indicate some of the things that can be done to remedy and prevent a recurrence of similar conditions. One of the causes—certainly the principal cause—is the now well-known fact that the producers are in competition with their own customers. This is not an unlawful condition. There is nothing

(Continued on last page)



**"Down to the Sea" with Russell Hardie,  
Ben Lyon and Ann Rutherford**  
(*Republic, Aug. 25; time, 67 min.*)

A pretty good melodrama, revolving around deep sea diving; the picture is at its best in the scenes showing the men at their work. One is held in suspense and at times thrilled by the fast action and melodramatic situations which occur when rival divers clash. In spite of the fact that the plot is not novel, it holds one's attention because of the interesting and authentic background—that of the Florida Coast where the sponge diving business is carried on and where this picture was photographed. Russell Hardie (hero) awakens one's sympathy by his bravery in the face of danger. The closing scenes are the most thrilling; there Hardie, by risking his life, outwits Irving Pichel (villain) to save Ben Lyon, his pal. The love interest is of the familiar triangle variety:—

Lyon and Hardie, pals, are both in love with Miss Rutherford; it is understood, however, that she will marry Lyon, the best deep-sea diver in the sponge territory. When Lyon gets drunk and loses his church collection money, Hardie contributes his savings so as to save Lyon from disgrace. Because of this he is unable to go to New York, where he had planned to study law. Instead he joins Pichel's crew at deep sea diving. Hardie lines up with the spear fisherman when he sees Pichel encroach upon their territory. Pichel leads Lyon to believe that Hardie was trying to steal his girl. Pichel kills the leader of the spearers; this arouses the fishermen who join forces to get him. Afraid that Lyon will testify against him, he purposely orders that Lyon be brought up quickly from the sea where he was diving for sponges. This gives Lyon the "bends," and he dies. Pichel falls into the sea and is killed by a shark. Hardie brings peace between the divers and spearers, and then marries Miss Rutherford.

Eustace L. Adams, Wellyn Totman and William A. Ulman wrote the story, and Wellyn Totman and Robert Lee Johnson the screen play. Lewis D. Collins directed it and Nat Levine produced it. In the cast are Fritz Leiber, Vince Barnett, and others.

Suitable for all. *Class A.*

**"Rhythm on the Range" with Bing Crosby  
and Frances Farmer**  
(*Paramount, July 31; time, 88 min.*)

This is a little below the standard of Bing Crosby pictures. It is an entertainment that should go over pretty well with those who enjoy his singing, for he puts over the songs in his usual capable manner. The plot is thin and somewhat disconnected, and at times the action drags. Besides the few good musical numbers, there is clowning by Martha Raye, a newcomer to the screen, whose antics should provoke hearty laughter. Her type of comedy is rough and loud, but extremely funny, and audiences will no doubt take to her. The romantic interest is developed in a pleasant manner:—

Frances Farmer, on the eve of her marriage to a wealthy society man whom she did not love, decides to take the advice of Lucille Gleason, her aunt who owned a ranch out West, to run away. She hides in the freight car which was to

be occupied by her aunt in her trip back West; she does not know that her aunt had missed the train. Instead of Miss Gleason she finds Crosby and his prize-winning bull; she does not tell him who she is, but pretends to be a cook out of work. For that reason he permits her to ride along with him. But soon he is in love with her as she is with him. An attempt is made by three hoboos to kidnap her but their plans are foiled. Crosby announces his engagement to Miss Farmer to the ranch hands. He is angered when he eventually learns who she really is; but she begs for forgiveness and tells him that she is willing to give up luxury to marry him.

Mervin J. Houser wrote the story, and Walter DeLeon, Francis Martin, John C. Moffitt and Sidney Salkow the screen play. Norman Taurog directed it, and Benjamin Glazer produced it. In the cast are Bob Burns, Samuel Hinds Warren Hymers, and others.

Suitable for all. *Class A.*

**"Satan Met a Lady" with Bette Davis  
and Warren William**

(*Warner Bros., Aug. 8; time, 74 min.*)

Poor! It is a ridiculous hodgepodge of comedy and murder mystery melodrama, which fails to be either comical or engrossing. An attempt was made to make it gay, sophisticated entertainment, but the general effect is that of boredom; it has little appeal for either the masses or class audiences. The plot is far-fetched; instead of action there is a lot of loud conversation, which is meaningless. Both Bette Davis and Warren William are powerless to do anything with the unsympathetic parts assigned to them; they are presented as being mercenary, ruthless, and untruthful:—

William, a private detective, is engaged by three crooks—Miss Davis, Alison Skipworth, and Arthur Treacher—at a substantial fee, to obtain for them a horn which, as legend had it, was filled with jewels worth a fortune. William double-crosses each one, planning to get the horn for himself and then selling it to the highest bidder. In the meantime his partner, who had been engaged by Miss Davis to guard her, and another man are killed. Miss Davis tries to make William fall in love with her and so get him to turn over the horn to her; but he is too wise to be taken in by her tricks. William finally secures the horn, sells it to Miss Skipworth for a large sum of money, and is amused when it turns out that the horn is filled with dirt instead of diamonds. William, by making Miss Davis think he loves her, obtains a confession from her that she killed his partner. He calmly proceeds to turn her over to the police for the \$10,000 reward; but she double-crosses him by having the matron on the train turn her over to the police and collect the reward. But this does not worry William; he had made enough money out of the transaction for him and his secretary to go off on a gay trip.

Dashiell Hammett wrote the story, and Brown Holmes the screen play. William Dieterle directed it and Henry Blanke produced it. In the cast are Marie Wilson, Maynard Holmes, Winifred Shaw, and Porter Hall.

Unsuitable for children or adolescents, Adult entertainment. *Class B.*



**"Blackmailer" with William Gargan  
and Florence Rice**

(Columbia, July 10; time, 65 min.)

Fair. If picture-goers expect this to be a melodrama, as the title indicates, they will be disappointed for it is an out-and-out farce, revolving around the efforts of a stupid detective to solve a murder mystery. It has a few serious moments, but these are incidental, for the bulk of the picture is farcical. The laughs are provoked both by the action and dialogue. One of the most amusing situations is that in which Herman Bing, the coroner, arrives to make a diagnosis. He is compelled to admit that he knows nothing about it, having been elected coroner as a joke; he could not even bear to look at a dead body. The murder mystery angle is routine, serving as a framework for the comedy. Paul Hurst, as the stupid detective, provokes many laughs by his inability to cope with the situation. The romantic interest is of little importance.

In the development of the plot Alexander Cross, a blackmailer, is murdered at a dinner table when the lights are dimmed. Hurst arrives with his assistant and insists on re-enacting the crime, at which time another man is murdered. Hurst accuses each person there of being guilty. Finally, with the help of William Gargan, the fiance of Florence Rice in whose home the murders had been committed, Hurst discovers the identity of the criminal. He gladly leaves the scene of the crime. Gargan and Miss Rice decide to marry.

Joseph Krumgold, Lee Loeb, and Harold Buchman wrote the original screen play. Gordon Wiles Directed it. Irving Briskin was the associated producer. In the cast are H. B. Warner, Nana Bryant, George McKay, and others.

The murders make it unsuitable for children. Suitable for adults. *Class B.*

**"Suzy" with Jean Harlow, Franchot Tone  
and Cary Grant**

(MGM, July 10; time, 94½ min.)

Good mass entertainment. The plot is pretty far-fetched and too involved; nevertheless, it has the ingredients for popular appeal—melodrama, romance, and some comedy. In adapting this from the novel by Herbert Gorman, the producers have wisely eliminated most of the sexy matter; and they have changed the character portrayed by Miss Harlow, for, unlike in the novel, she awakens deep sympathy. The love she shows for Cary Grant, which is not reciprocated, and her efforts to keep his father thinking that everything is serene, make one feel respect for her. The closing scenes, where Miss Harlow with the help of Franchot Tone, saves Grant from disgrace at the hands of Benita Hume, a woman spy, are wildly melodramatic but exciting. There are a few thrilling air fighting scenes, but they are incidental to the plot:—

Miss Harlow, an American show girl stranded in London, decides that she will marry into royalty. However, when she meets Tone, a machinist and inventor, she forgets about royalty and marries him. On the wedding night, Miss Hume enters their apartment and shoots Tone down; she was a member of the German spy system and thought Tone, who bluffed at knowing German and pretended to have overheard her

conversation with his employer, knew too much. Miss Harlow, believing him to be dead and fearful of being implicated, runs away to Paris, where she becomes a singer. War is declared. She meets Grant, a dashing young aviator, and falls madly in love with him; after a whirlwind courtship she marries him. He takes her to the home of his wealthy, aristocratic father (Lewis Stone); Stone feels sorry for the girl for he knows that Grant will soon forget her. And that is exactly what happens; he becomes involved with Miss Hume, who uses him as a means of getting information. Miss Harlow is shocked to meet Tone; she pleads with him for understanding, but he shows contempt for her, promising not to reveal their secret to Grant. She finds out about Grant's infatuation for Miss Hume, whom she recognizes as the spy, and pleads with Tone for his help. They rush to Miss Hume's home, where Grant was spending his time preparatory to making an early morning flight and raid on the enemy, and warn him about her. In his attempt to get at her, her confederate shoots and kills him. Tone goes up in the plane and after bombing the enemy planes returns, crashing the plane in Miss Hume's garden; he puts Grant's body in the wreckage; thus Grant dies with honors. Miss Harlow and Tone become reconciled.

Dorothy Parker, Alan Campbell, Horace Jackson and Lenore Coffee wrote the screen play. George Fitzmaurice directed it and Maurice Revnes produced it. In the cast are Reginald Mason, Inez Courtney, and others.

It is doubtful if children or adolescents will understand the affair between Grant and Miss Hume; therefore, suitable for all. *Class A.*

**ZUKOR SUES SAMUEL GOLDWYN**

Mr. Adolph Zukor, chairman of the board of directors of Paramount and in charge of production for that company, has brought a suit against Mr. Samuel Goldwyn for \$4,000,000, asserting that such is the damage Paramount has suffered when he took Gary Cooper away from his company.

In his complaint, Mr. Zukor states that Mr. Goldwyn induced Gary Cooper to sign a contract with him, after Mr. Cooper and Paramount had agreed upon a renewal of his contract for four more years at terms satisfactory to both.

What Paramount's legal rights in the matter are, and how much chance has Mr. Zukor to get \$4,000,000 from Mr. Sam Goldwyn, Harrison's Reports does not know; but it can say that morally Mr. Zukor is in the right one hundred per cent. It would have been different even morally if Mr. Cooper did not feel that the offer made to him by Paramount was satisfactory; but from all accounts it seems to have been satisfactory, and he refused to accept it only when Mr. Goldwyn stepped in and made him an alluring offer.

It seems as if Mr. Goldwyn's act of taking Cooper away from Paramount is going to start a star-grabbing war the proportions of which no one can foresee. And the exhibitor will, of course, be the goat, for it will be he who will have to foot the bill of the stars' increased salaries—increased not because of a natural demand but because of the proclivities of one producer to take stars away from another producer.



that can be done under existing law to prevent the producer from engaging in the exhibition branch of the business, no matter how much economic conflict, discord and destruction it may produce—no matter how injurious it may be to the public interest. It is undoubtedly true that the combination of producer-exhibitor functions is the fact which produces the motive for all or almost all of the preferences and discriminations and oppressive and coercive actions of which complaint has been made. A similar conflict of interest has caused trouble in every industry where it has existed. It caused trouble between the railroads and their shippers until the railroads were prohibited by law from having an interest in businesses located along their lines. It has caused trouble in the oil business. When the great oil companies entered the retail distribution field, and thus came into competition with their own customers, the small enterprises in that field began to vanish. It was the cause of trouble in the packing business, until conditions were changed by action of the Government during the Wilson administration.

"Separation of the producer and exhibitor interests is a matter that can not be accomplished under existing law. This is a matter for legislation. Such legislation would seem to be valid under the Constitution. If a place in many of the large industries is to be preserved for the smaller enterprise, such dissociation will have to be brought about, or some form of governmental control and supervision will have to be provided. The small and moderate sized business enterprise is absolutely indispensable. In some fields, as you know, it sustains and survives the hardest competitive rigors; and I am very sure that it will never vanish from the scene in our country.

"But to return to the constitutionality of divorce-ment of producer and exhibitor. Certainly it would seem that the sixth largest industry in the country, constantly and necessarily using the agencies of interstate commerce, and which, as Judge Welch of the Philadelphia Federal court has said, 'next to the church and the school, touches our people most intimately,' is not beyond the reach of control in the public interest under the Constitution.

"Another remedy for situations like that which occurred at St. Louis is to procure a specific legislative prohibition of such practices without regard to whether or not they are parts of a conspiracy. Under existing law, few, if any, of the practices complained of in the motion picture industry can be dealt with where they are the result of individual, as distinguished from concerted, action. As I have said, the fact that the supply of films is in the hands of a remarkably few units, and the closeness of the association of those units, makes it difficult to show, conformably to the rules of legal evidence that those practices are the result of conspiracy.

"And in this connection I wish to point out to you that many of the practices of which complaint has been made in the motion picture industry are not violative of law merely because they are the practices of very large and powerful corporations, or of those possessing great economic power. That applies to every industry as well as your own industry. The Federal Government under existing law can do little or nothing about such practices

unless they are the result of a conspiracy; and that means unless they are engaged in as a result of some common understanding, arrangement, agreement or the like. If practices are engaged in individually, as the result of the individual, independent, action and policy of the actor or actors, free from any contact or common design formulated among them, those practices are beyond the reach of the Department of Justice under the anti-trust laws.

"It is not easy in any case to establish a conspiracy. That offense is one of the most difficult to prove. You can well appreciate that conspirators do not put their agreements and understandings in writing and sign them on the dotted line. In most cases the evidence of a conspiracy is to be deduced from numerous facts.

"But while a conspiracy is difficult to prove, and particularly one with regard to the supply of motion pictures because of the small number of participants likely to be involved in such a conspiracy, that does not mean that the procurement of the evidence is beyond the ability of the Department of Justice; and you may rest assured that upon any good reason to believe that an illegal interference exists that Department will exhaust every resource to ascertain the facts."

In view of the fact that Mr. Russell Hardy is an important officer of the Department of Justice, being a Special Assistant U. S. Attorney-General, we may safely assume that he would not have attended the Allied Convention in Cleveland without the knowledge and the consent of his superior. The statements he had made, therefore, may well be taken to represent the sentiments of the administration in Washington.

Mr. Hardy gave a clear account of why the Government interfered in the St. Louis case, and what must be done to bring relief to the independent theatre owner, who is being oppressed by the affiliated circuits. Similar abuses existed, he said, in the relations of railroads and their shippers, but a law enacted by Congress put an end to them. Abuses existed also in the oil business, caused by the manufacturers' entering the retail field, thus becoming competitors to their customers; but a law put an end also to those abuses. Likewise a law must put an end to the abuses in this industry, where the manufacturers are in competition with their customers, for the present laws are impotent to put an end to such abuses.

Allied States Association passed a resolution at its annual convention, which was held in Cleveland last June, calling for a \$250,000 fund to bring about such legislation. Whether their plan of approaching the matter, assuming that they were to raise this amount of money, will prove successful or not in view of the difficulties we encountered in our nine-year efforts to put through Congress a bill against block booking and blind selling, I cannot say: Because of the nature of the fight, the Allied leaders naturally hold the plan secret. But in setting out to bring about a separation of exhibition from production-distribution, they have the best wishes of every independent theatre owner, and even of many theatre owners, I am sure, who are at present affiliated with producers. For this reason they are entitled to our undivided support.



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SATURDAY, AUGUST 8, 1936

No. 32

## ADDITIONAL FACTS ABOUT "NOT GENERALLY RELEASED" PICTURES

In the editorial about not "generally released" pictures that appeared in the July 25 issue of HARRISON'S REPORTS, the rights of the contract holders on all such pictures were defined.

Many exhibitors have called my attention to the fact that there are certain discrepancies, and upon investigation I have found that the companies in whose contracts appear such discrepancies modified their contracts later on in the season.

Here is a reiteration of the facts, with some additions.

### Columbia

Since Columbia did not modify its contract, the facts as given in the July 25 issue are correct. Let me, however, add the following information:

Many exhibitors have asked me to inform them what are their rights in the Frank Capra pictures.

The Columbia contract does not, as every Columbia account knows, contain any titles; therefore the exhibitor does not know what he is entitled to.

It is true that the Worksheet for the 1935-36 season gave four Frank Capra productions, two to be directed and two to be supervised by him, but it contains also the following footnote:

"N. B.—This is a list of Columbia Pictures—season 1935-36—prepared for the assistance of the exhibitor and the salesman. It is *not* a part of the contract."

Just how this Worksheet was prepared for the assistance of the exhibitor I myself cannot comprehend, for if Columbia can use in a Worksheet as a bait four Capra productions, two to be directed and two to be supervised by Mr. Capra, and then Columbia fails to deliver them on the ground that they are not contained in the contract, the information in such Worksheet can not certainly be of any value to the exhibitor.

When the exhibitor buys pictures from Columbia (or from any other distributor whose contract does not contain either the titles of the pictures or the names of the stars that are to appear in such distributor's pictures, for that matter), he buys nothing except whatever pictures such a distributor "generally releases" during a season; so Columbia's "Pictures not generally released" provision is actually meaningless.

When buying the pictures of a distributor whose contract does not give any description of the pictures such a distributor sells, the best thing an exhibitor can do is to compel the salesman to state in the schedule the number of star or director pictures its company promises to deliver. If Columbia product is what an exhibitor is about to buy and the Worksheet states two Frank Capra pictures, or

whatever the number may be, he should compel the salesman to write into the contract "Two Frank Capra productions."

### First National-Warner Bros.

The facts given in that editorial are correct except that the distributor must send his written notice August 15, instead of September 15, as stated in that editorial.

### Metro-Goldwyn-Mayer

The interpretation of that contract was based on the clause (FIRST—b) that is contained in contract form 831; it reads as follows:

"In case any of such motion pictures (except motion pictures which shall be roadshown) shall be generally released by Distributor for distribution in the United States after August 31, 1936, the Distributor shall be obliged to deliver such motion pictures to the Exhibitor hereunder at such later period and the Exhibitor agrees to accept, pay for and exhibit them, as and when available for exhibition, pursuant to the terms and provisions hereof; *provided* that if any of such motion pictures are not so generally released by August 31, 1937, such motion pictures shall thereupon be excepted and excluded from this license without any notice from either party to the other . . ."

Thus you see that the interpretation of this clause, as given in the July 25 issue, is correct.

But a month after MGM put out Form 831 it printed another form, 809A. The "Pictures not generally released" clause in that form differs from that contained in Form 831; therefore, it requires a different interpretation. The clause, which is "J" in the contract, reads as follows:

"It is agreed that if Distributor does not prior to fifteen (15) days before August 31, 1936, give Exhibitor the written notice provided for in Clause Seventeen hereof, Distributor shall be obliged to deliver and Exhibitor to accept, pay for and exhibit as and when available for exhibition, pursuant to the terms and provisions hereof, all of such motion pictures generally released for distribution in the United States after said August 31, 1936, and the term of this agreement shall be deemed extended accordingly; *provided* that if any thereof shall not be generally released within one year after said August 31, 1936, same shall thereupon be excepted and excluded from this license without any notice . . ."

Clause Seventeen referred to in the aforementioned provision reads as follows:

"If any of the said motion pictures described in the schedule, excepting those, if any, which may be roadshown by the distributor, shall not be generally released by the distributor for distribution in the

(Continued on last page)



**"Women are Trouble" with Stuart Erwin,  
Paul Kelly and Florence Rice**  
(MGM, July 31; time, 58 min.)

A pretty good program comedy-melodrama. The story is a bit far-fetched and not particularly novel but it holds the attention, for the action is fast. It is the typical reporter-gangster plot, in which the reporter solves the crime and captures the criminals. Only in this case there are three reporters—Erwin, Kelly, and Miss Rice, who round up the gang of criminals. The closing scenes are fairly exciting; there the criminals hold the three reporters prisoners. The comedy is good; it is provoked by the dialogue and the actions of the three reporters who were constantly bickering:—

Kelly, city editor of a newspaper, engages Miss Rice as a reporter only because she had some valuable information in a murder case. By sheer luck she gets interviews and pictures where Erwin, the star reporter, fails. A misunderstanding arises between her and Erwin when he thinks she is trying to further her career by going out with Kelly. Kelly and Miss Rice are kidnapped from a fancy dress ball by a gang of criminals who thought they knew too much. Erwin finds out where they are and follows them, first notifying the police, who arrive in time to save the three reporters. Kelly decides to remarry his divorced wife, feeling it would be cheaper than paying her alimony. Erwin and Miss Rice marry.

George Harmon Cox wrote the story, and Michael Fessier the screen play. Errol Taggart directed it, and Lucien Hubbard and Michael Fessier produced it. In the cast are Margaret Irving, Cy Kendall, Harold Huber, and others.

Because of the gangster activities it is unsuitable for children or adolescents; adult entertainment. *Class B.*

**"Anthony Adverse" with Fredric March  
and Olivia de Havilland**

(Warner Bros., Aug. 29; time, 139 min.)

Warners have spared no expense in making this adaptation of the Hervey Allen novel a lavish and big production. But that is where it ends, for it is in the production rather than in the story that it achieves distinction. As was to be expected, just a small portion of the novel was used in the screen play; there was too much of it. As it stands it is entertainment primarily for intellectual people; it lacks the human quality to reach the masses. The material is too episodic to make a well-knit story, and so it fails to keep the spectator's interest throughout. And another thing is that tragedy is the underlying theme. Fredric March (hero) is born into unhappiness and continues suffering. Not even in the end does he gain the happiness he had been seeking; this should displease the average spectator; he will, no doubt, be disappointed because of the separation of March and Miss DeHavilland, who had always loved each other. As far as box-office results are concerned, the popularity of the stars and of the novel should bring many people to the box-office; but it will not receive extensive advertising from those who will see it.

The story deals with different phases in Anthony's life: first, the tragedy of his birth, the death of his mother and father, and his abandonment at the convent and upbringing there until the age of ten. The next step is his apprenticeship to

Bonnyfeather, a merchant and his own grandfather, a relationship he knows nothing about. Then follows his love affair with Angela, the cook's daughter, who develops into an opera singer; their eventual marriage, followed by separation because of Anthony's duty to Bonnyfeather. He is forced to leave his wife on their marriage day to go to South America there to collect a large sum of money due Bonnyfeather. Upon his arrival there he finds the only assets the firm owns is a slave trading business in Africa; Anthony goes there, runs the business for a few years until the debt is repaid. His stay in Africa makes him an embittered man. He returns to France, his one wish being to find his wife. He finally finds her and to his joy a son. But his happiness is short-lived for he learns that his wife is Bonaparte's mistress and although she still loved March he could not risk incurring the Emperor's wrath. Anthony is forced to leave the country. He embarks with his son for America, there to start life again.

Sheridan Gibney wrote the screen play. Mervyn LeRoy directed it and Henry Blanke produced it. In the cast are Donald Woods, Anita Louise, Claude Rains, Louis Hayward, Gale Sondergaard, and others.

Because of the beginning of the picture showing Miss Louise's affair with her lover, exhibitors may find it unsuitable for children. Adult entertainment. *Class B.*

**"Seven Sinners" with Edmund Lowe  
and Constance Cummings**

(Gaumont British, Aug. 15; time, 69 min.)

An engrossing murder mystery melodrama-comedy; it holds one in tense suspense throughout. It is well produced and particularly suitable for the American market because the leading players are known here, and the atmosphere is not typically English. The plot is cleverly worked out, and the identity of the murder is so well concealed that when this fact is disclosed, it comes as a complete surprise. There are several exciting situations, such as train wrecks and attempted murder. The tension is relieved by some good comedy bits.

In the development of the plot Lowe, a private detective, and Miss Cummings, an insurance agent, both Americans, instead of attending to the business of going to Scotland to insure the jewels of a wealthy woman, become embroiled in a murder mystery at Nice, France. Lowe bets the French police inspector \$5,000 that he will solve the murder, which he feels is in some way tied up with various train wrecks. The investigations lead him and Miss Cummings into many exciting situations, during the course of which several attempts are made to murder them. He eventually uncovers the mystery by proving that the murderer is none other than the French police inspector, who was head of a ring of gun-runners who were posing as members of a peace league. After a thrilling chase he is captured. Lowe and Miss Cummings, who had fallen in love with each other, decide to marry and return to their regular work.

Arnold Ridley and Bernard Merivale wrote the story, and Sidney Gilliat and Frank Launder the screen play. Albert de Courville directed it. In the cast are Thomy Bourdelle, Henry Oscar, Felix Alymer and others.

Not suitable for children or adolescents; good for adults. *Class B.*



**"Bengal Tiger" with Barton MacLane,  
June Travis and Warren Hull**

(Warner Bros., Not yet set; time, 60 min.)

Not so good. It depends on the circus atmosphere and a few thrilling scenes showing Barton MacLane in the arena with a wild tiger for its entertainment values. The story is trite; it revolves around the usual love triangle; it is developed and ended exactly in the manner expected by the audience—with the death of MacLane. The scenes that show MacLane taming the animals have been done before; nevertheless they hold one in suspense. The best scenes are those showing MacLane cornering the tiger, who had escaped, and forcing him back into the cage. The atmosphere is quite heavy; June Travis, the unhappy bride, goes around with a long face, weeping at the least provocation. Although the circus scenes are supposed to entertain children, they will undoubtedly frighten them, because of the clawing done by the tiger. Despite MacLane's air of bravado and occasional drunken spreeds he is a likeable character; for that reason the spectator sympathizes with him when he learns of his wife's love for another man.

In the development of the plot, MacLane, wild animal trainer, who had at first befriended Miss Travis because he felt he was the cause of her father's death, later falls in love with her. Although she does not love him she marries him for she was grateful for what he had done for her. She meets Warren Hull, MacLane's pal and co-worker at the circus, and falls in love with him. MacLane saves Hull in a fire at the circus and brings him to his home, where Miss Travis cares for him. Hull, because of his friendship for MacLane, decides to leave; he kisses Miss Travis goodbye just as MacLane enters. MacLane, enraged, knocks him out and then drags him to the circus where he throws him in the tiger's cage. Miss Travis confesses her love for Hull and pleads with her husband to save him. He does this at the expense of his own life.

Roy Chanslor and Earl Felton wrote the story and Louis King directed it. In the cast are Paul Graetz, Joseph Crehan, Richard Purcell, and others.

Not suitable for children or sensitive adolescents; adult entertainment. *Class B.*

**"Shakedown" with Lew Ayres  
and Joan Perry**

(Columbia, July 17; time, 55 min.)

A moderately entertaining program melodrama. The plot is commonplace; it is somewhat slow in the first half, but it picks up speed in the second half and holds one in fair suspense. There Joan Perry (heroine) becomes involved in a murder. Miss Perry's actions in entering into a fake kidnapping plot in order to fool her father are not commendable; however, her eventual repentance awakens some sympathy. Lew Ayres (hero), by refusing to accept a well-paying position which offered no real work, wins one's respect. The closing scenes are fairly exciting; there Ayres and the police give chase to and capture the gang:—

Ayres, in order to prove to Miss Perry's father (Thurston Hall) that he is not afraid of hard work, accepts a position as messenger boy in Hall's

telegraph company. This annoys Miss Perry, who feels that Ayres is suited for more difficult work. Henry Mollison, who had been discharged by Hall because of his gambling habits, induces Miss Perry to fake a kidnapping and have Ayres rescue her, without letting him in on the joke; his intention was to involve her in a "murder" plot. He works the scheme with two gangsters to whom he had owed a considerable amount of money. They lead Miss Perry to believe that she was actually being kidnapped and place a gun, loaded with blanks, in a conspicuous position. She grabs it, the trigger goes off, and one of the gangsters falls to the ground, presumably dead. This puts Mollison in the position of blackmailing Hall. But Ayres sees through the plot, uncovers the gang, and wins Hall's admiration and promise of a good job. He is now able to marry Miss Perry.

Harry Shipman wrote the story, and Grace Neville the screen play. David Selman directed it, and Harry L. Decker was associate producer. In the cast are Victor Kilian, George McKay, John Gallaudet, and others.

Not suitable for children. Adult entertainment. *Class B.*

**"Hearts in Bondage" with James Dunn  
and Mae Clarke**

(Republic, Aug. 15; time, 71 min.)

Just fair entertainment. The action is slow; but because of the picture's historical significance in reenacting the battle between the Monitor and the Merrimac during the Civil War Days, it may find favor with students. There is some human interest in the plot, which pits friend against friend. But the way it was developed has not made the picture as effective as it might have made it. One feels sympathy for James Dunn when he is compelled to sink the Merrimac, knowing that by doing so he will kill his best friend. The romantic interest is pleasant.

In the development of the plot Dunn, an officer in the Northern Army, is dishonorably discharged for disobeying orders, thereby causing the sinking of the Merrimac. Mae Clarke, his sweetheart, is happy for this because she did not want him to fight. David Manners, her brother, had joined the Confederate Army because of his love for a Southern girl. But Dunn is unhappy. When he learns that the Confederates had raised the Merrimac and were reconstructing it as the first ironclad ship, he decides to devote his time in helping Fritz Leiber, his uncle, build the Monitor to fight the Merrimac. They have many heartaches until they convince the authorities of its worthiness. It is sent out to vanquish the Merrimac; and at the insistence of Leiber, Dunn is reinstated as its officer. To his sorrow, Dunn finds that the Merrimac is being commanded by Manners. The fight continues until the Merrimac, with all its men, are sunk. The battle over, Dunn feels that he cannot face Miss Clarke. But she forgives him and they are reconciled.

Wallace MacDonald wrote the story, and Bernard Schubert and Olive Cooper the screen play. Lew Ayres directed it, and Colbert Clark supervised. In the cast are Charlotte Henry, Henry B. Walthall, George Irving, and others.

Suitable for all. *Class A.*



United States during the period beginning September 1, 1935 and ending August 31, 1936, each such motion picture shall be excluded from this license upon written notice to such effect given to the exhibitor by the distributor prior to fifteen (15) days before the end of said period, unless the exhibitor shall give written notice to the distributor not later than thirty (30) days after the end of said period that the exhibitor elects to exhibit hereunder all such motion pictures if generally released during the year immediately following the end of said period. If such notice of election is given as aforesaid the distributor shall deliver and the exhibitor shall exhibit each of such motion pictures upon the terms and conditions of this license excepting that any thereof which are not so generally released within the said following year shall also be excepted and excluded from this license. In such case the Distributor may exhibit and license for exhibition each of such motion pictures so excluded when and where desired by Distributor and all claims of the Exhibitor in respect thereof are hereby expressly waived and the Distributor released and discharged therefrom by the Exhibitor."

Holders of this form of contract (809A) should give their written notice to the distributor (that they want all not generally released pictures) not later than September 30, 1936. The distributor is obliged to send his notice not later than August 15, 1936.

#### **Fox and Twentieth Century-Fox**

The interpretation of this company's "not generally released" clause is correct.

#### **Paramount**

The interpretation of this company's "not generally released" clause is correct.

#### **RKO**

The interpretation given to the "not generally released" provision of this company's contract was based on Form 5324-A-Opt.-E3517, and is correct. (Except that the distributor must send his notice August 15, instead of September 15). But RKO put out another form last summer—Form 5324-B-Lic.-E4211. The "not generally released" clause in that form is different from the other form; it reads as follows:

"This agreement licenses the exhibition of pictures generally released by the Distributor for distribution in the United States of America during the period commencing September 1, 1935 and ending August 31, 1936 only; PROVIDED, HOWEVER, that in case the Distributor shall generally release after August 31, 1936 and prior to December 31, 1936 any picture or pictures which it shall have designated to Exhibitors generally as a 1935-36 picture or as 1935-36 pictures, such picture or pictures shall be included in this license and shall be exhibited by the Exhibitor hereunder, unless the Exhibitor, on or before September 10, 1936, shall notify the Distributor, in writing, that the Exhibitor has elected to reject such picture, or, if more than one picture, that the Exhibitor has elected to reject all (but not less than all) of such pictures. In the event that the Exhibitor shall give the Distributor any such written notice of rejection, such picture or pictures shall be excepted and excluded from this license."

This provision means that, if RKO should notify its accounts after August 31, 1936, but before December 31, 1936, that it has designated for the exhibitor a number of pictures as 1935-36 releases, then such accounts must accept these pictures as being part of their 1935-36 contract, unless such accounts send to RKO a written notice that they have decided to reject all such pictures. But they must send such a notice not later than September 10 (1936).

It must be borne in mind by such exhibitors, however, that when they reject such pictures they must reject them all; they cannot reject part and accept part of them.

#### **Republic**

August 15, (1936) is the date on which the distributor must send his written notice to the exhibitor; the exhibitor has until September 30 to send his own written notice that he wants all "not generally released" pictures.

#### **United Artists**

Though the contracts of United Artists do not contain a "Pictures not generally released" clause, they contain the following provision in the clause entitled "Fixing Exhibition Dates (2)":

"Upon delivery by the producer, the Distributor shall make the motion picture covered herein available to the Exhibitor for exhibition within the twelve month period immediately following the August 1st next succeeding date of the acceptance of the application by the Distributor, . . ." Accordingly, assuming that the producer delivered to United Artists a given picture prior to August 1, 1935, and that the exhibitor's application for a contract was approved prior to such date, United Artists had to deliver such a picture on or prior to August 1, 1936.

#### **Universal**

The "Pictures not generally released" clause of this company is the same as that of the Republic contract.

### **THE U. S. GOVERNMENT EYEING THE MAJOR PRODUCERS**

From all accounts in the trade papers, the Department of Justice is either studying the acts of the major companies or is carrying on an investigation to find out whether they are violating the anti-trust laws or not.

Some trade papers state that representatives of major producers attribute the activities of the Department to politics, implying that the action of the Department is prompted by a desire to help the Democrats win the next election.

Judging by the conduct of the Department of Justice in the Fanchon & Marco case, better known as the St. Louis case, nothing is further from the truth than this.

Before making such accusations, the producers should examine their hearts and consciences; they know that they have been riding roughshod over the independent exhibitors for years.

All that this paper can say is that they had better mend their manners, for the St. Louis case should have proved to them that nothing can influence the officials of the Department of Justice from doing their duty.

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## A REVIEWING SERVICE FREE FROM THE INFLUENCE OF FILM ADVERTISING

Vol. XVIII

SATURDAY, AUGUST 15, 1936

No. 33

### A Study of the 1936-37 Season's Contracts—No. 1

This season's contracts of most major companies are considerably different from last season's; and since few exhibitors take the trouble of reading them through before signing them because either of the length or of the fine printing, I am undertaking to present to all exhibitors, through these columns, such provisions of the different companies' contracts as I feel they should be acquainted with.

#### Columbia

##### SCHEDULE:

(A) The Columbia contract calls for a maximum of forty pictures in the Group W-4, or a minimum of thirty. (The Frank Capra pictures are not included in this group; they are sold separately.)

The roadshow provision that gives the distributor the right to except a given number of pictures that may be roadshows is meaningless in that no pictures are mentioned in the contract and an exhibitor cannot claim any particular Columbia feature picture as his until such a picture is "generally released"; that is, given a general release date in the territory from which the contract holder is served. Meaningless is the exception also referring to previews and to pre-releases, for the same reason.

(B) This paragraph deals with the Western features—Group W-5; it promises a maximum of sixteen features or a minimum of eight.

(C) This paragraph deals with the short subjects.

In the opinion of HARRISON'S REPORTS, Paragraphs (A), (B) and (C) constitute block-booking with a vengeance.

**DESIGNATION:** According to this provision, the license fees are not "average" license fees. On the strength of this reservation, Columbia is not under an obligation to make an adjustment of the prices should it fail to deliver a number of the low allocation Special Feature Attractions and your "average" came up. Suppose you bought twelve of the forty at, say, \$50 minimum guarantee (with percentage), eight at \$30 (with a lower percentage), and 20 at \$15 flat: the total amount you will have agreed to pay will be \$1,140. This makes the "average" of each of your pictures \$28.50. But suppose Columbia delivered only ten of the twenty flat-rental pictures: the combined total amount (exclusive the distributor's percentage share of the gross receipts) you will pay to Columbia will be \$990, but your "average" will be \$33, instead of \$28.50.

**REAPPLICATION:** Columbia retains the right to apply the rental terms of one picture on another picture.

Since the pictures are not described in the Schedule, this provision is meaningless, for Columbia may designate any release for any price allocation, unless, of course, it has in mind to put a given picture in the low allocation class for one exhibitor and in the high allocation for another, both exhibitors in the same distribution zone.

**PLAYING ARRANGEMENT:** Under this provision, Columbia exacts for the shorts a definite amount of money every week, no matter whether an exhibitor plays any shorts in any one week or not.

Under the same provision Columbia is given the right to increase your percentage terms and the minimum guarantee by 25% in case you should adopt a double-feature policy after the approval of your application for a contract.

**RUN:** If you contracted for a subsequent run so as to take advantage of the publicity a picture receives in a first-run theatre, you must accept any picture that did not play first-run.

If you should have any objections to signing a contract with such a distributor privilege, then it will be necessary for you to cross this provision off, on all copies, so that you may have the right to reject any picture that did not play a first-run theatre.

##### MAIN CONTRACT:

**SECOND CLAUSE (a) and (b):** The contract runs for one year after the date fixed for the showing of the first picture, and unless Columbia delivers the minimum number of Special Feature Attractions during that one-year period, a contract holder is not under an obligation to receive any more and may claim damages for all pictures delivered short of thirty.

**FOURTH (b):** When a picture plays for three consecutive days in a theatre that is entitled to play it, at admission prices charged by such a theatre usually, the picture is considered as having been "generally released" in the territory from which the exhibitor is served.

**TENTH:** Until Columbia notifies the exhibitor in writing that it has approved the application, such application does not become binding and an exhibitor has the right to withdraw it at any time; also, unless the Home Office of the company approves such application within fifteen days, if the theatre is located east of the Mississippi river, or within thirty days, if located west of the Mississippi, the application is considered as not having been accepted.

(Continued on last page)



**"Jailbreak" with Craig Reynolds  
and June Travis**

(Warner Bros., August 8; time, 59½ min.)

A pretty good gangster-murder mystery melodrama, of program grade. The action is fast and at times thrilling. The fact that the murders take place at a prison gives the picture a novel twist, but the plot in itself is routine. There are several exciting situations. The situations where the prison librarian, who had stumbled onto some important information and was telephoning to the warden, is killed, is one of them. An incidental romance, not connected with the story, is worked into the plot:—

When Purcell, a gangster, tries to involve Joseph King, a former convict gone straight, in a holdup and murder, King decides he will be safer in prison. So he assaults a policeman and is sentenced to two years; he leaves his business in charge of June Travis, his secretary. Miss Travis tells Craig Reynolds, a reporter, why King had gone to prison and he in turn discloses the facts to the chief of police. Purcell and his gang are arrested and are sent to the same prison. Thinking that King had double-crossed them, they vow to get him. King and later the prison librarian are killed. Reynolds solves the mystery of the murders by proving that Addison Richards, a prison guard, had killed King after he had disclosed to him where he had hidden \$300,000 in cash; he then killed the librarian, because he had stumbled on the facts. Reynolds proposes to Miss Travis and is accepted.

Jonathan Finn wrote the story, and Robert D. Andrews and Joseph Hoffman the screen play. Nicke Grinde directed it, and Brian Foy produced it. In the cast are Barton MacLane, George E. Stone, and others.

Because of the activities of the gangsters, it is unsuitable for children, adolescents, or Sundays. Good for adults. Class B.

**"The Road to Glory" with Warner Baxter,  
Fredric March and June Lang**

(20th Century-Fox, Sept. 4; time, 102 min.)

A powerful war drama, with a strong appeal to men. Without taking sides either for or against war, it presents in a natural manner the actions of soldiers under trying circumstances, and their emotional reactions. The battle scenes are portrayed powerfully; they are shocking in their realism. The heroics displayed by the soldiers, who admit their fright, are thrilling. One is held in tense suspense in the scenes that show Germans digging a mine under the trenches, a fact which is known to the French soldiers, who expect to be blown up at any minute. The love interest is not particularly important to the plot, and was probably inserted as a concession to women. It is the ordinary triangle affair, in which two officers love the same woman, who loves one of them. The comedy, ably handled by Gregory Ratoff, a Sergeant, is unusually good and relieves the tension. His death through an accident touches one. There are a few situations that will remain vivid in one's mind. One such situation is where a dying French soldier, hanging onto a wire from which he cannot extricate himself, moans in agony. One can understand the feeling that prompts three men to risk their lives to help this soldier. The story is not a preachment; nevertheless it has the effect of showing the uselessness of war. This is done through characterizations, dia-

logue, and the attitude of the soldiers, who feel that they are helpless to cry out against fate. Their matter-of-fact manner in the face of danger makes one feel all the more deeply for them. The human quality of the officers, who display kind traits beneath their outer hardness, makes the spectator feel deep sympathy for them, for the soldiers depend on their actions and courage to protect them. The death of Baxter (a Captain) and his father (Lionel Barrymore), who had insisted on fighting despite his age, is extremely touching. Fredric March wins one's sympathy by his efforts to be kind towards the soldiers under his command.

Joe Sayre and Wm. Faulkner wrote the original screen play. Howard Hawks directed it, and Darryl F. Zanuck produced it. In the cast are Victor Kilian, Paul Stanton, John Qualen, and others.

Morally suitable for all. Class A.

**"My American Wife" with Francis Lederer,  
Ann Sothorn and Fred Stone**

(Paramount, August 7; time, 73 min.)

Good! It is a light comedy, lavishly produced, and well acted. And it has human interest, provoked by the well-meaning actions of Francis Lederer, an extremely likeable character. He wins the spectator's sympathy at the very beginning and holds it to the end. The story has a novel quality for American audiences, for, instead of ridiculing Lederer's royal background, it shows up Americans for their silly adoration of royalty. Fred Stone shines as the sturdy pioneering grandfather, whose dislike of Lederer turns into respect. The story, though simple, is appealing mostly because of the sensitive performance of Lederer, who is at his best. His desire to work to make a place for himself is a trait that should be admired by the audience. The love affair is charming. Most of the comedy is aroused by Billie Burke, Miss Sothorn's socially minded mother, who thinks of Lederer only as a means of climbing the social ladder:—

When Stone, a pioneering American, who had made millions of dollars, hears that his granddaughter (Miss Sothorn) had married Lederer, a Count, he is disgusted. But not Miss Sothorn's father and uncles, who feel that the marriage will bring prestige to the family name and to their banking business. The young couple, accompanied by Miss Sothorn's mother (Billie Burke), arrive; they are greeted by the town band and society. The round of parties begin to wear on Lederer's nerves, for what he wanted was to become a real American, buy a ranch, and work on it. Miss Sothorn greets this news coldly, demanding that Lederer move to New York with her, where they will enter society. Lederer finds that Stone is the only real person in the family and turns to him; they become great friends. Lederer buys a ranch as he had planned and tells Miss Sothorn that if she does not want to live with him there she is free to obtain a divorce. Miss Sothorn goes ahead with her plans for a divorce, but is stopped in time by Stone, who uses a simple scheme to bring her to her senses. She rushes to Lederer at the ranch and tells him that she wants to stay there with him.

Elmer Davis wrote the story, and Virginia Van Upp the screen play. Harold Young directed it and Albert Lewis produced it. In the cast are Ernest Cossart, Grant Mitchell, and others.

Suitable for all. Class A.

**"36 Hours to Kill" with Brian Donlevy and Gloria Stuart**

(20th Century-Fox, July 24; time, 65 min.)

A pretty good gangster melodrama of program grade; it provides comedy as well as thrills. Most of the action takes place aboard a train where the different characters are established. The moment it becomes evident that Brian Donlevy (hero) is a G-Man, trailing Douglas Fowley, a murderous gangster, the excitement becomes keener. The comedy is provoked by dialogue and by the actions of some of the characters. Warren Hymer, as the stupid pal of Fowley, who aspires to the crown of Public Enemy No. 1, is extremely comical. Towards the end there are thrills. The romance is developed in a breezy manner:—

Fowley, who was sought by the police for a bank holdup and murder, discovers that he is the winner of a \$150,000 prize in a sweepstake. He is determined to collect the money, and, despite the pleading of his wife (Isabel Jewell) to give it up, he leaves his hiding place to go to claim the money. On the train he becomes attracted to Miss Stuart, a newspaper reporter. Donlevy, posing as a reporter, becomes acquainted with Fowley and, through him, he meets Miss Stuart; he falls in love with her at first sight. Fowley learns accidentally that Donlevy is a G-Man, and escapes from the train just as Donlevy was planning to arrest him, forcing Miss Stuart to go to his hideout with him. Miss Jewell, extremely jealous, does not believe his story that he had to take Miss Stuart. Eventually Donlevy, through a clever ruse, finds the hideout and, together with G-Men, surrounds the place. Miss Jewell kills Fowley when he tries to run away with Miss Stuart. The gang is captured. Donlevy and Miss Stuart marry.

W. R. Burnett wrote the story, and Lou Breslow and John Patrick the screen play; Eugene Forde directed it, and Sol M. Wurtzel produced it. In the cast are Romaine Callender, Stepin Fetchit, James Burke, and others.

Unsuitable for children or adolescents; adult entertainment. Class B.

**"Grand Jury" with Fred Stone**

(RKO, August 7; time, 60 min.)

A mild program comedy-melodrama. The comedy is provoked by the naivete of Fred Stone, a public-spirited fighter, who thinks he can capture a gang of criminals single-handed. The dangerous situations he gets himself into as a result of his efforts to combat crime are amusing and at times fairly exciting. One of the most amusing situations is that in which Stone, while hiding in a closet listening to the conversation of the criminals, overhears them talking about taking over businesses and large sums of money; he does not realize that they were playing a game called "Monopoly." A pleasant romance is worked into the plot:—

Stone is aroused when his old friend (Harry Beresford) is shot down by criminals who thought that he knew too much. With the assistance of Owen Davis, Jr., a cub reporter, he sets out to uncover the activities of the gang and have them rounded up. His investigation leads him to the discovery that the leader of the gang is Russell Hicks, who had been posing as a civic leader. The gangsters capture Stone and Davis and plan to kill them; but the police arrive just in time to save them. Davis' connection with Stone gives him a

scoop for his newspaper and an increase in salary. This enables him to marry Louise Latimer, Stone's granddaughter.

James Edward Grant and Thomas Lennon wrote the story, and Joseph A. Fields and Philip G. Epstein the screen play. Albert S. Rogell directed it, and Lee Marcus produced it. In the cast are Moroni Olsen, Guinn Williams, and others.

The shooting by the gangsters makes it unsuitable for children or adolescents. Suitable for adults. Class B.

**"To Mary—with Love" with Myrna Loy, Warner Baxter and Ian Hunter**

(20th Century-Fox, August 1; time, 91 min.)

Very good entertainment, with a strong appeal to women. It is an intelligently drawn picture of the trials and tribulations of Myrna Loy and Warner Baxter in the first ten years of their married life; presented with deep understanding and human appeal, and set against an interesting background, starting with the old Waldorf-Astoria days, it holds the attention throughout. The performances are exceptionally good, particularly that of Ian Hunter, in the role of the devoted friend who sacrifices his own love to bring happiness to Miss Loy. The character he portrays is inspiring; both he and Miss Loy awaken deep sympathy by their individual acts of kindness. Although Warner Baxter's actions are not pleasant at all times, one feels that fundamentally he loves his wife devotedly and for that reason one sympathizes with him in his weaknesses. There are several scenes that appeal to the emotions deeply; the scene where Miss Loy is informed that her baby is dead is one of them:—

Hunter is sad when Miss Loy, whom he loved devotedly, marries Baxter, his best friend; but this does not change his feelings for them. Baxter, immediately after the honeymoon, settles down to hard work, his one desire being to make a fortune. He neglects his wife. She discovers that, while she was away, a woman friend (Claire Trevor) had been to their apartment; she is enraged and prepares to leave him but melts when he kisses her and pleads for forgiveness. Baxter loses all his money in the stock market crash; although he cannot find anything to do for two years he refuses to allow Miss Loy to work, preferring to live on borrowed money. Finally he obtains a position, but after ten weeks he is discharged. He goes to a cafe where he meets Miss Trevor and they proceed to get drunk. They meet with an accident; Miss Loy rushes to his side and although she knows he had been with Miss Trevor she does not say anything. Upon his discharge from the hospital he obtains employment with a casino he had established in the good days. Miss Loy feels miserable when he turns down a position with a firm of architects, and proceeds with plans to make a fortune again. Feeling that he no longer needs her, she goes to Hunter and asks him to get a divorce for her. But Hunter, although he loves her, feels she belongs with Baxter and brings them together again.

Richard Sherman wrote the story, and Richard Sherman and Howard Ellis Smith the screen play; John Cromwell directed it, and Kenneth Macgowan produced it.

Although children will not understand the affair between Baxter and Miss Trevor, it may be a doubtful subject matter for them or for adolescents; excellent for adults. Class B.



(Continued from first page)

**ELEVENTH:** Any promises made to the exhibitor by a salesman are not valid unless they are put into the contract.

In the past, exhibitors made it a practice to accept promises made by the salesmen orally about keeping the film for a third day, if the exhibitor would only sign the contract with a two-day showing provision. An exhibitor who signs such a contract and keeps a film for an extra day makes himself liable under the copyright law, which gives the copyright owner the right to collect \$250 damages for each breach. And each showing of the film is considered a separate and distinct breach.

**EIGHTEENTH:** This clause deals with the roadshowing of some of the pictures. But it is meaningless, since the pictures that are to be roadshown are not described in the contract, an omission which gives Columbia the right to do anything it wants with any of its pictures before announcing that it has released them "generally." Meaningless is, therefore, also the provision that gives the right to the exhibitor to cancel one picture for every picture Columbia roadshows.

**TWENTIETH:** This provision penalizes the exhibitor in case he should charge lower admission prices than those called for in the Schedule.

**TWENTY-FIRST:** If an exhibitor has different contracts with Columbia and he breaches one contract, he breaches them all.

**TWENTY-SECOND:** Columbia retains the right to add to the charge of a film sent C.O.D. a debt for any other film; it may put a C.O.D. even on a film that is paid for in full.

There is no ten percent cancellation provision in this company's contract; therefore, an exhibitor can exercise a cancellation privilege only if he writes it into the contract. He should write in, for example, something like the following:

"Exhibitor retains the right to cancel one feature picture out of each ten (or eight, or whatever the case may be) released. In case said Exhibitor does not avail himself of the privilege of cancelling one picture in any of the groups of ten, he may cancel it in any of the subsequent groups."

#### FRANK CAPRA PRODUCTIONS:

The Frank Capra Productions are sold separately. The contract calls for a maximum of two, or a minimum of one:

Since most exhibitors purchase the Columbia product to get the Capra pictures, the number of such pictures the exhibitor will get is an important factor. For this reason, HARRISON'S REPORTS suggests that, when an exhibitor buys the Capra pictures under the understanding that he will get two such pictures, he insert into the contract the following provision:

"Distributor agrees to deliver a minimum of two Capra productions. In case Distributor failed to deliver such productions up to September 30, 1937, it agrees to deliver two such productions from the first it will produce thereafter up to September 30, 1938."

In this manner he will protect himself in case Columbia produced a second Capra picture late in the season and decided to withhold it from general

release up to September 30, 1937, and held it for release in the 1937-38 season, for more money.

#### THE COLUMBIA WORKSHEET:

The Columbia worksheet contains the following directors or stars as likely to be in Columbia pictures during the 1936-37 season:

**DIRECTORS:** Frank Capra; Gregory La Cava.

**STARS:** Ronald Colman, Grace Moore, Bing Crosby, Irene Dunne, Jean Arthur, Herbert Marshall, Dolores Del Rio, Edward Arnold, Maurice Chevalier, Jack Holt, Richard Dix, Walter Connolly, Rosalind Russell.

**SUPPORTING PLAYERS:** Edward Everett Horton, Joel McCrea, Chester Morris, Mary Astor, Lionel Stander, Fay Wray, Leo Carillo, Marian Marsh, Edith Fellows, George Bancroft, Joan Perry, Ralph Bellamy, and some others.

The worksheet gives also a number of novels, stage plays, magazine stories and originals. These will be analyzed later on, when the analysis of the products begin, after the study of the contracts.

But this worksheet contains the following footnote:

"N.B. This is a partial list of Columbia pictures—season 1936-37—prepared for the assistance of the exhibitor and salesman. It is *not* a part of the contract."

Because of this provision, Columbia is freed from the obligation of delivering its picture with any of the stars that are contained in the worksheet.

As I said before, how a worksheet containing such a provision can prove of any assistance to an exhibitor is difficult to understand when one bears in mind that, by such a footnote, what the distributor promises with one hand he takes away with the other.

HARRISON'S REPORTS has not picked out Columbia for a thorough study of its contract; it intends to make a similar study of all the contracts, particularly of those that promise as little as the Columbia contract; it merely wishes to call the attention of those outside the industry who are interested in keeping the screen on a high level that the exhibitor has no voice whatever in the tone of pictures that are produced, or in the selection of such pictures: the distributor promises nothing more than a given number of pictures, of a quality, both as regards to entertainment and to moral tone, to be determined by his production staff.

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#### DISCUSSION OF EXHIBITOR PROBLEMS

HARRISON'S REPORTS is eager to discuss in these columns any and all exhibitor problems.

If you desire a problem discussed in these columns, just write to this office and tell it what it is, and the editor will be glad to look into it.

## HARRISON'S REPORTS

Vol. XVII

NEW YORK, N. Y., SATURDAY, AUGUST 15, 1936

No. 33

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## RELEASE SCHEDULE FOR FEATURES

## Chesterfield Features

(1540 Broadway, New York, N. Y.)

Lady Luck—Fair-Bakewell ..... July 10  
(End of Season)

## Beginning of 1936-37 Season

Missing Girl—not yet cast.....Sept. 15

## Columbia Features

(729 Seventh Ave., New York, N. Y.)

6032 Trapped by Television—Astor-Falbot..... June 15  
6026 The Final Hour—Bellamy-Churchill..... July 7  
6029 Blackmailer—Gargan-Rice ..... July 10  
6030 Shakedown—Ayres-Perry ..... July 17  
6018 Meet Nero Wolfe—Arnold-Perry..... Aug. 1  
Two Fisted Gentleman—Holt-Henry..... Aug. 15

(More to Come)

## First National Features

(321 W. 44th St., New York, N. Y.)

955 Hearts Divided—Davies-Powell ..... June 20  
951 The White Angel—Francis-Hunter..... July 4  
977 Two Against the World—Bogart-Dodd..... July 11  
962 Earthworm Tractors—Joe E. Brown..... July 18  
965 Case of the Velvet Claws—William-Dodd..... Aug. 15  
960 China Clipper—O'Brien-Roberts-Alexander... Aug. 22  
975 Love Begins at Twenty—Herbert-Ellis..... Aug. 22

## Gaumont British Features

(1600 Broadway, New York, N. Y.)

Secret Agent—P. Lorre-M. Carroll-R. Young.... June 15  
Seven Sinners (Doomed Cargo)—Low-  
    Cummings ..... Aug. 15  
East Meets West—George Arliss..... Sept. 1  
Nine Days a Queen—Nova Pilbeam..... Sept. 1  
(End of Season)

## Grand National Features

(1270 Sixth Ave., New York, N. Y.)

Devil on Horseback—Damita-Keating (color)... Sept. 15  
White Legion—Ian Keith-Tala Birell..... Sept. 22  
Yellow Cargo—Conrad Nagel..... Sept. 29

## Invincible Features

(1540 Broadway, New York, N. Y.)

Easy Money—Stevens-Linaker ..... June 15  
It Couldn't Have Happened—Denny-Brent..... Aug. 10  
(End of Season)

## Metro-Goldwyn-Mayer Features

(1540 Broadway, New York, N. Y.)

## 1934-35 Season

518 Suzy—Jean Harlow-Franchot Tone (reset) .. July 24

## 1935-36 Season

646 Trouble for Two—Montgomery-Russell..... May 29  
610 Fury—S. Tracy—S. Sidney..... June 5  
    No release set for..... June 12  
    No release set for..... June 19  
636 San Francisco—Gable-MacDonald ..... June 26  
626 We Went to College—Merkel-Abel..... July 3  
631 The Devil Doll—L. Barrymore (reset)..... July 10  
    No release set for..... July 17  
657 His Brother's Wife—Stanwyck-Taylor (re) .. Aug. 7  
655 Piccadilly Jim—Montgomery-Evans (re).... Aug. 14  
633 The Gorgeous Hussy—Crawford-Tone (re) .. Aug. 28  
656 The Devil Is a Sissy—Bartholomew..... Sept. 18  
629 Old Hutch—Beery-Parker-Linden (reset) ... Sept. 25

(More to Come)

## Beginning of 1936-37 Season

701 Women Are Trouble—Erwin-Rice-Kelly..... July 31  
702 Kelly The Second—Kelly-Chase..... Aug. 21  
700 The Great Ziegfeld—Powell-Rainer-Loy..... Sept. 4  
703 Sworn Enemy—Young-Rice-Calleia ..... Sept. 11

## Paramount Features

(1501 Broadway, New York, N. Y.)

3564 The Arizona Raiders—Crabbe (57m.)..... June 26  
3566 Return of Sophie Lang—Michael-Milland... July 3  
3568 Spendthrift—Fonda-Patterson (reset) ..... July 10  
3565 Three Cheers for Love—Whitney (reset).... July 17  
3567 Heart of the West—Wm. Boyd (reset)..... July 24  
3571 Yours for the Asking—Raft-Barrymore..... July 24  
3569 Rhythm on the Range—Crosby-Farmer..... July 31  
3573 A Son Comes Home—Roland-Hayden..... July 31

(End of Season)

## Beginning of 1936-37 Season

My American Wife—Lederer-Sothorn..... Aug. 7  
I'd Give My Life—Standing-Drake-Brown... Aug. 14  
Hollywood Boulevard—Halliday-Hunt ..... Aug. 21  
Texas Rangers—MacMurray-Oakie-Parker..... Aug. 28  
Straight from the Shoulder—R. Bellamy..... Aug. 28  
Lady Be Careful—Ayres-Carlisle-Baker..... Sept. 4  
General Died at Dawn—Cooper-Carroll..... Sept. 4



## Republic Features

(1776 Broadway, New York, N. Y.)

- 3561 The Lonely Trail—Wayne-Rutherford (57m) . May 25  
3562 Winds of the Wasteland—Wayne (55½m) . June 5  
3549 Go Get 'Em Haines—William Boyd . . . . . June 15  
3516 Navy Born—Wm. Gargan-C. Dodd (reset) . June 15  
3573 Guns and Guitars—Autry (58½ min.) . . . . . June 22  
3508 Ticket to Paradise—Roger Pryor (reset) . . . . . July 10  
3503 (3517) Gentleman from Louisiana—  
Eddie Quillan (reset) . . . . . Aug. 17  
3528 Sitting on the Moon—not yet cast (r) . . . . . Sept. 15  
3510 (3520) Michael O'Halloran—not yet cast  
(reset) . . . . . Oct. 5

("Legion of the Lost," listed in the last index as a July 25 release, has been withdrawn)

(End of Season)

## Beginning of 1936-37 Season

- 6008 Hearts in Bondage—Dunn-Henry . . . . . Aug. 15  
6303 Oh, Susannah—Gene Autry . . . . . Aug. 19  
6009 Down to the Sea—Lyons-Hardie . . . . . Aug. 25  
6001 Follow Your Heart—Talley-Bartlett . . . . . Sept. 5  
6311 Three Mesquiteers—Livingston-Saylor . . . . . Sept. 10  
6032 Bulldog Edition—Walker-Knapp . . . . . Sept. 20

## RKO Features

(1270 Sixth Ave., New York, N. Y.)

- 630 Bunker Bean—Davis-Latimer . . . . . June 26  
631 The Bride Walks Out—Stanwyck-Raymond . . . . . July 10  
632 M'Liss—Shirley-Beal . . . . . July 17  
633 Grand Jury—Stone-Davis . . . . . Aug. 7  
635 Second Wife—Michael-Abel . . . . . Aug. 21  
634 Mary of Scotland—Hepburn-March . . . . . Aug. 28

(More to Come)

## Twentieth Century-Fox Features

(444 W. 56th St., New York, N. Y.)

- 646F The First Baby—Downs-Deane . . . . . May 15  
647T Half Angel—Dee-Donlevy . . . . . May 22  
652F Human Cargo—Trevor-Donlevy . . . . . May 29  
645F Private Number—Young-Taylor . . . . . June 5  
651F Little Miss Noboddy—Withers-Darwell . . . . . June 12  
648T Sins of Man—Hersholt-Ameche . . . . . June 19  
655F The Crime of Dr. Forbes—Stuart . . . . . June 26  
649T White Fang—Whalen-Muir . . . . . July 3  
650F Border Patrolman—Geo. O'Brien (59m) . . . . . July 3  
654F Educating Father—Jones Family . . . . . July 10  
653F High Tension—Farrell-Donlevy . . . . . July 17  
656F 36 Hours to Kill (Across the Aisle)—  
Donlevy-Stuart . . . . . July 24  
657F The Poor Little Rich Girl—S. Temple . . . . . July 24

(End of Season)

## Beginning of 1936-37 Season

- 701 To Mary-With Love—Loy-Baxter (92 m.) . . Aug. 1  
704 Charlie Chan at the Race Track—Oland . . . . Aug. 7  
766 State Fair—Reissue with Will Rogers . . . . Aug. 7  
702 Girls' Dormitory—Marshall-Chatterton . . . . Aug. 14  
703 Sing, Baby, Sing—Faye-Menjou . . . . . Aug. 21  
705 The Holy Lie—Trevor-Darwell . . . . . Aug. 28  
706 The Road to Glory—March-Baxter . . . . . Sept. 4  
708 Pepper—Withers-Irvin S. Cobb . . . . . Sept. 11

## United Artists Features

(729 Seventh Ave., New York, N. Y.)

- I Stand Condemned—Oliver-Baur . . . . . June 12

(End of Season)

## Beginning of 1936-37 Season

- Last of the Mohicans—Scott-Barnes-Cabot . . . . Sept. 4

## Universal Features

(1250 Sixth Ave., New York, N. Y.)

- A9036 Parole—Preston-Hunter . . . . . June 14  
A9031 Crash Donovan (Agent 44)—J. Holt (re.) . . . . July 26  
A9019 Postal Inspector—Cortez-Ellis . . . . . Aug. 16  
A9030 Yellowstone—Hunter-Barlett (reset) . . . . Aug. 23

(more to come)

## Beginning of 1936-37 Season

- A1010 Two in a Crowd—Bennett-McCrea . . . . . Aug. 30  
A1002 My Man Godfrey—Powell-Lombard . . . . . Sept. 6

## Warner Bros. Features

(321 W. 44th St., New York, N. Y.)

- 913 Public Enemy's Wife—O'Brien-Lindsay . . . . July 25  
902 Green Pastures—a Fable . . . . . Aug. 1  
927 Jailbreak—Travis-Reynolds-MacLane . . . . . Aug. 8  
912 Satan Met a Lady—Davis-William . . . . . Aug. 8  
(801 "Anthony Adverse" is being released on August 29 as a 1934-35 release)

## SHORT SUBJECT RELEASE SCHEDULE

### Columbia—One Reel

- 6710 Screen Snapshots No. 10—(9½ min.) . . . . . May 29  
6605 Scrappy's Camera Troubles—Scrap. (6½m) . June 5  
6809 Sport Magic—World of Sport (9 min.) . . . . June 13  
6306 Glee Worms—Color Rhapsody (7 min.) . . . . June 24  
6711 Screen Snapshots No. 11—(9½ min.) . . . . . June 26  
6606 Playing Politics—Scrappy (6½ min.) . . . . . July 8  
6810 Touring the Sport World—World of Sport  
(9½ min.) . . . . . July 11  
6712 Screen Snapshots No. 12—(9 min.) . . . . . July 17  
6307 Untrained Seal—Color Rhapsody (7½ m.) . . . . July 26  
6811 Little Champs—World of Sport . . . . . Aug. 10  
6713 Screen Snapshots No. 13 . . . . . Aug. 14  
6506 Highway Snobbery—Krazy Kat . . . . . Aug. 15  
6308 Novelty Shop—Color Rhapsody (6½ min.) . . . . Aug. 15  
6812 Disputed Decisions—World of Sport . . . . . Aug. 22  
6813 Football Flashes—World of Sport . . . . . Not set

(End of season)

### Columbia—Two Reels

- 6122 Champ's a Chump—All star com. (18½m) . . . . June 20  
6123 A Pain in the Pullman—Stooge (20 m.) . . . . June 27  
6124 Mister Smarty—Clyde com. (18 min.) . . . . . July 15

(End of Season)

### Metro-Goldwyn-Mayer—One Reel

- M-330 Little Boy Blue—Miniatures (11 m.) . . . . May 23  
W-350 Not Yet Titled—Color Cartoon . . . . . May 30  
S-371 Harnessed Rhythm—Sports Parade . . . . . June 6  
M-331 Master Will Shakespeare—Miniat. (11m) . . . . June 13  
W-351 Not Yet Titled—Color Cartoons . . . . . June 20  
S-372 Not Yet Titled—Sports Parade . . . . . June 27  
M-332 How To Train a Dog—Miniatures . . . . . July 4

### Metro-Goldwyn-Mayer—Two Reels

- C-207 On the Wrong Trek—C. Chase (19 m.) . . . . Apr. 18  
C-228 At Sea Ashore—Todd-Kelly (20 m.) . . . . . Apr. 25  
C-218 Arbor Day—Our Gang com. (18 min.) . . . . May 2  
C-208 Neighborhood House—Charles Chase . . . . . May 9

### Paramount—One Reel

- R5-12 The River of Thrills—Sportlight (9 m.) . . . . June 5  
A5-16 Music in the Morgan Manner—Headliner  
(10 min.) . . . . . June 12  
P5-12 Paramount Pictorial No. 12—(9½ min.) . . . . June 19  
T5-11 More Pep—Betty Boop (5½ min.) . . . . . June 19  
E5-11 I Wanna be a Life Guard—Popeye (6½m) . . . . June 26  
V5-18 (V5-19) The Rhythm Party—Varieties  
(8½ min.) (reset) . . . . . June 26  
A5-17 Musical Fashions—Headliner (10 m.) . . . . . July 3  
R5-13 Sporting Comparisons—Sportlight  
(9½ min.) (reset) . . . . . July 3  
V5-19 Shorty at the Seashore—Varieties (8m) . . . . July 10  
C5-6 Greedy Humpty Dumpty—Color Classic  
(7½ min.) . . . . . July 10  
P5-13 Paramount Pictorial No. 13—(9 m.) . . . . . July 17  
T5-12 You're Not Built That Way (Be Yourself)—  
Betty Boop (7 min.) . . . . . July 17  
J5-6 Popular Science No. 6—(10 min.) . . . . . July 17  
V5-20 Fashions in Love—Varieties (7½ m.) . . . . . July 24  
E5-12 Let's Get Movin'—Popeye (6 min.) (re) . . . . July 31  
A5-18 Play Don—Headliner (10 min.) (reset) . . . . July 31  
Sc5-6 The Hills of Old Wyomin'—Screen Song  
(9½ min.) (reset) . . . . . July 31

(End of season)

### Beginning of 1936-37 Season

- A6-1 Gypsy Revels—Headliner (10 min.) . . . . . Aug. 7  
R6-1 Neptune's Scholars—Sportlight (9 m.) . . . . Aug. 7  
V6-1 Lulu's Love—Paragraphics (10 min.) . . . . . Aug. 14  
P6-1 Paramount Pictorial No. 1—(9½ min.) . . . . Aug. 21

## RKO—One Reel

64506	Coral Isle of the Atlantic—World on Parade (11 min.)	Mar. 27
64405	Underground Farmer—Struggle to Live (9 min.)	Apr. 17
64107	Neptune's Nonsense—Rainbow Parade 7m.	Apr. 17
64801	Major Bowes Amateur Parade No. 1—(9m.)	May 1
64605	Pathe Topics—(9 min.)	May 1
64208	A Job's a Job—Easy Aces (10 m.)	May 22
64507	Venice of the North—World on Par. (10m.)	May 29
64108	Bold King Cole—Rainbow Parade (7 m.)	May 29
64802	Major Bowes Amateur Par. No. 2—(10m.)	June 5
64406	Living Jewels—Struggle to Live (9 m.)	June 12
64109	A Waif's Welcome—Rainbow Par. (7 m.)	June 19
64307	Row Mister Row—Screen Sport (11 m.)	June 19
64209	Fool Your Friends—Easy Aces (10 m.)	June 19
64606	Pathe Topics—(8 min.)	June 26
64803	Major Bowes Amateur Parade No. 3—(10 min.)	July 3
64110	Trolley Ahoy—Rainbow Parade (8 m.)	July 3
64111	Cupid Gets His Man—Rain. Par. (7 m.)	July 24
64804	Major Bowes Amateur Par. No. 4—(10m.)	Aug. 7
64607	Pathe Topics	Aug. 14
64112	It's a Greek Life—Rain. Parade	Aug. 12
64805	Major Bowes Amateur Parade No. 5	Sept. 4
64113	Toonerville Picnic—Rainbow Parade	Not set
64806	Major Bowes Amateur Parade No. 6	Not set

(End of Season)

## Beginning of 1936-37 Season

74501	Trinidad—World on Parade (10 m.)	Sept. 4
74301	High Wide and Dashing—Bill Corum (9 min.)	Sept. 11
74401	Swamp Land—Struggle to Live	Sept. 18
74601	Pathe Topics No. 1	Sept. 25

## RKO—Two Reels

63111	March of Time No. 6—(23 min.)	June 12
63206	Dog Blight—Jack Norton (16 m.)	June 12
63306	And So To Wed—Jack Norton (19 m.)	June 19
63506	Swing It—Louis Prima (16 m.)	July 3
63406	Dummy Ache—Edgar Kennedy (18 m.)	July 10
63112	March of Time No. 7—(21 min.)	July 10
63606	Sleepy Time—Ruth Etting (20 m.)	July 24
63706	Listen to Freezin'—Kelly (15 min.)	July 31
63113	March of Time No. 8	Aug. 7

(End of Season)

## Beginning of 1936-37 Season

73201	Who's Looney Now—Radio Flash (19 m.)	Sept. 4
73301	So and Sew—Smart Set (15 min.)	Sept. 19

## Twentieth Century-Fox—One Reel

6524	The Hot Spell—Terry-Toon (6½ m.)	July 10
6525	Puddy the Pup & the Gypsies—T. Toon (6m.)	July 24
6526	Prize Package (Kiko the Kangaroo)—Terry-Toon (6 min.)	July 31

(End of Season)

## Twentieth Century-Fox—Two Reels

6113	Gold Bricks—Bert Lahr (20½ min.)	Mar. 20
6114	The White Hope—Joe Cook (19 min.)	Mar. 27
6115	Triple Trouble—Ernest Truex (16½ min.)	Apr. 3
6211	Where Is Wall Street—T. Howard (19½m.)	Apr. 10
6214	Fresh From the Fleet—Buster West (18½m.)	Apr. 24
6213	Sleepless Hollow—Harry Gribbon (16½m.)	May 8
6307	It Happened All Right—Tim & Irene (18m.)	May 15
6212	Railbirds—Tom Howard com. (17½ m.)	May 22
6116	Home on the Range—Mus. com. (21 m.)	June 5
6308	Peaceful Relations—Tim & Irene (18 m.)	June 19

(End of Season)

## United Artists—One Reel

6	Mickey's Polo Team—Mickey Mouse (8 min.)	Feb. 5
7	Orphans Picnic—Mickey Mouse (8 min.)	Mar. 12
8	Mickey's Grand Opera—Mickey Mouse (8m.)	Apr. 9
7	Elmer Elephant—Silly Symphony (8 m.)	May 13
8	Three Little Wolves—Silly Symphony (9 m.)	May 27
9	Thru the Mirror—Mickey Mouse (9 m.)	June 18

(One more Silly Symphony to come to complete the series)

## Beginning of New Series

1	Moving Day—Mickey Mouse (8 min.)	July 15
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## Universal—One Reel

A9397	Going Places with Thomas No. 24 (9½m.)	July 20
A9384	(9385) Stranger Than Fiction No. 24—(9½ min.)	July 27
A9398	Going Places with Thomas No. 25 (9½m.)	Aug. 3
A9385	Stranger Than Fiction No. 25—(9½ m.)	Aug. 10
A9399	Going Places with Thomas No. 26 (9½m.)	Aug. 17
A9386	Stranger Than Fiction No. 26—(9 min.)	Aug. 24

(End of Season)

## Beginning of 1936-37 Season

A1371	Going Places with Thomas No. 27	Aug. 31
A1151	Gus Van's Garden Party—Mentone (10m.)	Aug. 31
A1261	Music Hath Charms—Oswald car. (7½m.)	Sept. 7
A1152	Musical Airways—Mentone (10½ m.)	Sept. 30

## Universal—Two Reels

A9509	Fighting the Fire Dragon—Flash 9 (19m.)	May 31
A9162	Teddy Bergman's International Broadcast—Mentone com. (20½ min.)	June 3
A9510	The Unseen Peril—Flash No. 10 (18½m.)	June 7
A9511	In the Claws of the Tigrion—Flash No. 11 (18 min.)	June 15
A9512	Trapped in a Turret—Fl. No. 12 (17½m.)	June 21
A9513	Rocketing to Earth—Flash No. 13 (20m.)	June 29
A9163	Flippin's Frolics—Mentone (18 m.)	July 15

(End of two reels for season)

## Beginning of 1936-37 Season

A1481	Dynamite—Phantom Rider No. 1 (19½m.)	July 6
A1482	The Maddened Herd—Phan. No. 2 (21m.)	July 12
A1483	The Brink of Disaster—Phan. No. 3 (19m.)	July 20
A1484	The Phantom Rider—Phan. No. 4 (18½m.)	July 27
A1485	Trapped by Outlaws—Pha. No. 5 (19½m.)	Aug. 3
A1486	Shot Down—Phantom No. 6 (17½ m.)	Aug. 10
A1487	Stark Terror—Phantom No. 7 (18½ m.)	Aug. 17
A1488	The Night Attack—Phan. No. 8 (17½m.)	Aug. 24
A1489	The Indians Attack—Phan. No. 9 (19m.)	Aug. 30
A1490	Human Targets—Phan. No. 10 (18½m.)	Sept. 7

## Vitaphone—One Reel

1512	Carl Hoff—Melody Masters (10 min.)	July 11
1710	Porky's Pet—Looney Tunes (6½ min.)	July 11
1912	Can You Imagine—Our Own U. S. (10 m.)	July 11
1813	When Fish Fight—Pepper Pot (10 m.)	July 11
1410	I Love to Singa—Merrie Mel. (8 min.)	July 18
1613	Vitaphone Stageshow—(10 min.)	July 25
1711	Porky's Moving Day—L. Tunes	Aug. 1
1411	Sunday Go to Meetin'—Merrie Melodies	Aug. 8
1913	For Sports Sake—Our Own U. S. (10 m.)	Aug. 8
1513	Nick Lucas—Melody Master (10 m.)	Aug. 15
1712	Porky The Rainmaker—L. Tunes (7½ m.)	Aug. 22
1412	At Your Service Madam—Mer. Melodies	Aug. 29
1713	Milk and Money—Looney Tunes	Sept. 12
1413	Toytown Hall—Merries Melodies	Sept. 19

(End of Season)

## Vitaphone—Two Reels

1014	Wash Your Step—Bway. Brevity (22 min.)	Mar. 7
1111	For the Love of Pete—Comedy (22 min.)	Mar. 14
1015	Paris in New York—I. Bordon (22 min.)	Mar. 21
1112	Bob Hope—Comedy Series (21½ min.)	Mar. 28
1025	The Black Network—com. (21½ min.)	Apr. 4
1030	College Dads—Leon Janney (22 min.)	Apr. 11
1113	Slum Fun—comedy (22 min.)	Apr. 11
1016	The Double Crossky—Baclanova (20 m.)	Apr. 18
1026	I'm Much Obligated—Vera Van (22 min.)	May 2
1115	Absorbing Junior—Shemp Howard (22 m.)	May 9
1017	When You're Single—Cross & Dunn (22m.)	May 16
1018	Maid for a Day—Grace Hayes (21 m.)	May 23
1019	The City's Slicker—Dawn O'Day (20 m.)	May 30
1117	Here's Howe—Shemp Howard (22 min.)	June 6
1005	Changing of the Guard—Bway. Brev. (20m.)	June 6
1032	Romance in the Air—Wini Shaw (20 m.)	June 13
1031	Rhythymitis—Bway. Brev. (19 min.)	June 13
1116	Wife of the Party—Comedy (22 min.)	June 20
1006	Song of a Nation—Bway. Brev. (19 m.)	July 4
1119	Good Old Plumber Time—com. (20 m.)	July 11
1118	Ken Murray—Sassafras—comedy (20 m.)	July 25
1120	Punch and Beauty—Comedy (22 min.)	Aug. 15
1023	Shake Mr. Shakespeare—Bway. Brev. (20m.)	Aug. 22
1007	Western Knights—Bway. Brevities	Aug. 29
1114	Doughnuts—Yacht Club Boys	Not set

(End of Season)



# RELEASE DAY CHART FOR ALL NEWS WEEKLIES

## NEWSWEEKLY NEW YORK RELEASE DATES Universal

484	Saturday	....Aug. 15
485	Wednesday	..Aug. 19
486	Saturday	....Aug. 22
487	Wednesday	..Aug. 26
488	Saturday	....Aug. 29
489	Wednesday	..Sept. 2
490	Saturday	....Sept. 5
491	Wednesday	..Sept. 9
492	Saturday	....Sept. 12
493	Wednesday	..Sept. 16
494	Saturday	....Sept. 19

## Fox Movietone

96	Saturday	....Aug. 15
97	Wednesday	..Aug. 19
98	Saturday	....Aug. 22
99	Wednesday	..Aug. 26
100	Saturday	....Aug. 29
101	Wednesday	..Sept. 2
102	Saturday	....Sept. 5
103	Wednesday	..Sept. 9
104	Saturday	....Sept. 12
<i>(End of 1935-36 Season)</i>		

## 1936-37 Season

1	Wednesday	....Sept. 16
2	Saturday	....Sept. 19

## Paramount News

106	Wednesday	..Aug. 5
<i>(End of 1935-36 Season)</i>		

## 1936-37 Season

1	Saturday	....Aug. 8
2	Wednesday	..Aug. 12
3	Saturday	....Aug. 15
4	Wednesday	..Aug. 19
5	Saturday	....Aug. 22
6	Wednesday	..Aug. 26
7	Saturday	....Aug. 29
8	Wednesday	..Sept. 2
9	Saturday	....Sept. 5
10	Wednesday	..Sept. 9
11	Saturday	....Sept. 12
12	Wednesday	..Sept. 16
13	Saturday	....Sept. 19

## Metrotone News

293	Wednesday	..Aug. 12
294	Saturday	....Aug. 15
295	Wednesday	..Aug. 19
296	Saturday	....Aug. 22
297	Wednesday	..Aug. 26
298	Saturday	....Aug. 29
299	Wednesday	..Sept. 2
300	Saturday	....Sept. 5
301	Wednesday	..Sept. 9
302	Saturday	....Sept. 12
303	Wednesday	..Sept. 16
<i>(End of 1935-36 Season)</i>		

## 1936-37 Season

200	Saturday	....Sept. 19
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## Pathe News

652104	Wed. (E.)	July 22
<i>(End of 1935-36 Season)</i>		

## 1936-37 Season

75101	Sat. (O.)	..July 25
75202	Wed. (E.)	..July 29
75103	Sat. (O.)	..Aug. 1
75204	Wed. (E.)	..Aug. 5
75105	Sat. (O.)	..Aug. 8
75206	Wed. (E.)	..Aug. 12
75107	Sat. (O.)	..Aug. 15
75208	Wed. (E.)	..Aug. 19
75109	Sat. (O.)	..Aug. 22
75210	Wed. (E.)	..Aug. 26
75111	Sat. (O.)	..Aug. 29
75212	Wed. (E.)	..Sept. 2
75113	Sat. (O.)	..Sept. 5
75214	Wed. (E.)	..Sept. 9
75115	Sat. (O.)	..Sept. 12
75216	Wed. (E.)	..Sept. 16
75117	Sat. (O.)	..Sept. 19

### Pathe News

Sat. (Odd) Rel.	Wed. (Even) Rel.
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### Universal News

Sat. (Even) Rel.	Wed. (Odd) Rel.
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### Fox News

Sat. (Even) Rel.	Wed. (Odd) Rel.
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### Paramount News

Sat. (Odd) Rel.	Wed. (Even) Rel.
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### Metrotone News

Sat. (Even) Rel.	Wed. (Odd) Rel.
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Albany .....	Fri.	0	Tues.	0	Sun.	1	Thur.	1	Sun.	1	Thur.	1	Mon.	2	Thur.	1	Sat.	0	Wed.	0
Atlanta .....	Mon.	2	Thur.	1	Mon.	2	Thur.	1	Sat.	0	Thur.	1	Sat.	0	Thur.	1	Mon.	2	Thur.	1
Boston .....	Fri.	0	Wed.	0	Sun.	1	Thur.	1	Sun.	1	Thur.	1	Sat.	0	Wed.	0	Sun.	1	Wed.	0
Buffalo .....	Sat.	0	Wed.	0	Sun.	1	Thur.	1	Sun.	1	Thur.	1	Sun.	1	Thur.	1	Sat.	0	Wed.	0
Butte .....	—	—	—	—	Tues.	3	Sat.	3	—	—	—	—	—	—	—	—	Wed.	4	Sat.	3
Charleston .....	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Mon.	2	Thur.	1
Charlotte .....	Mon.	2	Thur.	1	Mon.	2	Thur.	1	Sat.	0	Thur.	1	Mon.	2	Thur.	1	Mon.	2	Thur.	1
Chicago .....	Sat.	0	Wed.	0	Sun.	1	Thur.	1	Sat.	0	Wed.	0	Sat.	0	Wed.	0	Sat.	0	Wed.	0
Cincinnati .....	Sat.	0	Thur.	1	Sun.	1	Thur.	1	Sat.	0	Wed.	0	Sat.	0	Wed.	0	Sun.	1	Thur.	0
Cleveland .....	Sat.	0	Wed.	0	Sun.	1	Thur.	1	Sat.	0	Wed.	0	Fri.	0	Wed.	0	Sat.	0	Wed.	0
Columbus .....	—	—	—	—	—	—	—	—	—	—	—	—	Sun.	1	Wed.	0	Sat.	0	Wed.	0
Dallas .....	Sun.	1	Fri.	2	Wed.	4	Sat.	3	Tues.	3	Sat.	3	Wed.	4	Sun.	4	Wed.	4	Sat.	3
Denver .....	Thur.	5	Fri.	2	Wed.	4	Sat.	3	Tues.	3	Sat.	3	Sun.	1	Fri.	2	Wed.	4	Sat.	3
Des Moines.....	Sat.	0	Thur.	1	Sun.	1	Thur.	1	Sat.	0	Thur.	1	Sat.	0	Wed.	0	Sun.	1	Thur.	1
Detroit .....	Fri.	0	Wed.	0	Sun.	1	Thur.	1	Sat.	0	Wed.	0	Sat.	0	Wed.	0	Sat.	0	Wed.	0
El Paso .....	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Indianapolis .....	Sun.	1	Wed.	0	Sun.	1	Thur.	1	Sat.	0	Wed.	0	Sat.	0	Wed.	0	Sat.	0	Wed.	0
Jacksonville .....	Mon.	2	Thur.	1	—	—	—	—	—	—	—	—	Sun.	1	Thur.	1	Mon.	2	Thur.	1
Kansas City.....	Sun.	1	Thur.	1	Mon.	2	Fri.	2	Sun.	1	Thur.	1	Sun.	1	Thur.	1	Sat.	0	Wed.	0
Los Angeles .....	Fri.	6	Tues.	6	Wed.	4	Sun.	4	Wed.	4	Sat.	3	Tues.	3	Sat.	3	Wed.	4	Sat.	3
Memphis .....	Sat.	0	Thur.	1	Mon.	2	Fri.	2	Sat.	0	Thur.	1	Mon.	2	Thur.	1	Mon.	2	Thur.	1
Milwaukee .....	Sat.	0	Wed.	0	Sun.	1	Thur.	1	Sat.	0	Wed.	0	Sat.	0	Thur.	1	Sat.	0	Wed.	0
Minneapolis .....	Sat.	0	Thur.	1	Mon.	2	Fri.	2	Sat.	0	Thur.	1	Sat.	0	Thur.	1	Sun.	1	Thur.	1
New Haven .....	Sat.	0	Wed.	0	Sun.	1	Thur.	1	Sat.	0	Wed.	0	Sat.	0	Wed.	0	Sat.	0	Wed.	0
New Orleans .....	Mon.	2	Fri.	2	Mon.	2	Thur.	1	Tues.	3	Sat.	3	Sun.	1	Thur.	1	Sun.	1	Thur.	1
New York .....	Sat.	0	Wed.	0	Sat.	0	Wed.	0	Sat.	0	Wed.	0	Sat.	0	Wed.	0	Sat.	0	Wed.	0
Oklahoma City....	Wed.	4	Sun.	4	Sun.	1	Thur.	1	Sat.	0	Thur.	1	Sat.	0	Thur.	1	Sun.	1	Thur.	1
Omaha .....	Sun.	1	Thur.	1	Mon.	2	Fri.	2	Sat.	0	Thur.	1	Sat.	0	Thur.	1	Sun.	1	Thur.	1
Peoria .....	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Philadelphia .....	Fri.	0	Wed.	0	Mon.	2	Thur.	1	Sat.	0	Wed.	0	Fri.	0	Wed.	0	Sat.	0	Wed.	0
Pittsburgh .....	Sun.	1	Thur.	1	Mon.	2	Thur.	1	Sat.	0	Wed.	0	Fri.	0	Wed.	0	Sat.	0	Wed.	0
Portland, Ore. ....	Mon.	2	Sat.	3	Wed.	4	Sun.	4	Wed.	4	Sat.	3	Mon.	2	Sat.	3	Wed.	4	Sat.	3
Portland, Me. ....	—	—	—	—	—	—	—	—	—	—	—	—	Mon.	2	Thur.	1	Mon.	2	Thur.	1
St. Louis.....	Sun.	1	Fri.	2	Sun.	1	Thur.	1	Sat.	0	Thur.	1	Sat.	0	Thur.	1	Sat.	0	Wed.	0
Salt Lake City....	Wed.	4	Sun.	4	Thur.	5	Sat.	3	Wed.	4	Sat.	3	Mon.	2	Sat.	3	Wed.	4	Sat.	3
San Antonio .....	—	—	—	—	Wed.	4	Sat.	3	—	—	—	—	Sun.	1	Thur.	1	Wed.	4	Sat.	3
San Francisco ....	Tues.	3	Sat.	3	Wed.	4	Sun.	4	Wed.	4	Sat.	3	Mon.	2	Sat.	3	Wed.	4	Sat.	3
Seattle .....	Mon.	2	Sat.	3	Wed.	4	Sun.	4	Wed.	4	Sat.	3	Mon.	2	Fri.	2	Wed.	4	Sat.	3
Sioux Falls.....	Sun.	1	Wed.	0	Wed.	4	Sun.	4	—	—	—	—	Sun.	1	Fri.	2	—	—	—	—
Washington .....	Sat.	0	Wed.	0	Sun.	1	Thur.	1	Sat.	0	Wed.	0	Sat.	0	Wed.	0	Sat.	0	Wed.	0
Wichita, Kans.....	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Mon.	2	Thur.	1
Wilkes-Barre .....	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Mon.	2	Thur.	1
Calgary .....	—	—	—	—	—	—	—	—	Fri.	6	Tues.	6	<i>A combination of both issues is sent on</i>			—	—	—	—	
Montreal .....	—	—	—	—	Sun.	1	—	—	Mon.	2	Fri.	2	<i>Tuesdays to Toron-</i>			—	—	—	—	
St. John .....	—	—	—	—	—	—	—	—	Mon.	2	Fri.	2	<i>to which distributes</i>			—	—	—	—	
Toronto .....	—	—	—	—	—	—	—	—	Mon.	2	Fri.	2	<i>it to the other Ca-</i>			—	—	—	—	
Vancouver .....	—	—	—	—	—	—	—	—	Thur.	5	Tues.	6	<i>nadian exchanges.</i>			—	—	—	—	
Winnipeg .....	—	—	—	—	Thur.	5	Mon.	5	Tues.	3	Sun.	4				—	—	—	—	

## HOW THE AGE OF A PARTICULAR NEWSWEEKLY ISSUE MAY BE COMPUTED

Suppose you desire to find out whether the exchange delivers your newsweeklies at the age you contracted for! First look at the Release Day Chart under the column of the company whose weeklies you show. You will notice that there are little numbers by the side of the days. The meaning of these numbers is as follows:

Newsweeklies are released by all the companies in New York on Saturdays and on Wednesdays. The issue of any company is one day old in New York on the day of its release, whether such day is Saturday or Wednesday.

But it takes time for a print to reach another zone. To reach Dallas, for example, it takes 4 or 3 days by train. Naturally you cannot consider a Newsweekly one day old in that zone on the day of its release in New York, when it reaches that zone four days later. The practice of each company has been to consider a Newsweekly one day old on the day of its arrival and release in a particular zone. The little number by the side of each release day in the Chart indicates how many days later than the New York Release Date a particular issue may be considered one-day old in a particular zone.

Suppose you desire to find out how old is a Saturday release of the Universal News in Portland, Oregon. Look in the Saturday Column of the Universal News in the Re-

lease Day Chart; run down the column until you reach the line opposite Portland. The day given is Wednesday, and the figure is "4." Accordingly, the Saturday issue of the Universal News, which is one day old in the New York zone on that day, is one day old in Portland on Wednesday; that is, four days later.

Universal News No. 488 will be released in the New York zone Saturday, August 29, and in the Atlanta, Charlotte, Kansas City, Memphis, Minneapolis, New Orleans, Omaha, and Pittsburgh zones two days later; that is, on Monday, August 31, on which day it will be one-day old.

Pathe News No. 75210, which is the Even Issue, will be released in the New York zone on Wednesday August 26, and in the Dallas, Denver, New Orleans, and the St. Louis zones two days later; that is, on Friday, August 28, on which day it will be one-day old.

Fox Movietone News No. 98 will be released in the New York zone Saturday, August 22, and in the Dallas, Denver, New Orleans and Winnipeg zones three days later; that is, on Tuesday, August 25, on which day it will be one-day old.

Paramount News No. 6 will be released in the New York zone on Wednesday, August 26, and in the Denver, Seattle, and the Sioux Falls zones two days later; that is, on Friday, August 28, on which day it will be one-day old.

Metrotone News No. 297 will be released in the New York zone on Wednesday, August 26, and in the Butte, Dallas, Denver, Los Angeles, Salt Lake City, San Antonio, San Francisco and Seattle zones four days later; that is, Sunday, August 30, on which day it will be one-day old.



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Columns, if It is to Benefit the Exhibitor.

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Vol. XVIII

SATURDAY, AUGUST 22, 1936

No. 34

## A Study of the 1936-37 Season's Contracts—No. 2

### Metro-Goldwyn-Mayer

#### SCHEDULE:

This season (1936-37) MGM has followed the lead of Paramount, Twentieth Century-Fox, RKO and Columbia—it has omitted from the contract the names of the stars and the numbers of the pictures—it gives no description whatever of the goods it proposes to deliver to the buyers of MGM pictures. And it has no worksheet: If an exhibitor wants to have a slight idea of what he will get he will have to read the MGM announcement in the trade press. But even that will not help much by reason of the fact that announcements made in the trade paper advertisements are not binding on the distributor.

The MGM contract calls for a maximum of fifty-two pictures or a minimum of forty-four, of which number no more than one shall be produced abroad by a foreign producer. These must be released between September 1, 1936, and August 31, 1937.

The provision "except the motion pictures as to which Distributor is required by contract to obtain the consent or approval of the producer thereof, or other party, to the terms and conditions of licensing the exhibition thereof, unless Distributor obtains such consent or approval to the licensing thereof hereunder" means nothing, by reason of the fact that no description of any of the pictures is given in the contract and the rights of the contract holders cannot be asserted until MGM has placed a picture on the "generally released" list. And before it will do that, it can make any changes in its release schedule it wants to.

The same provision excepts "The Great Ziegfeld" and all 1935-36 feature pictures even though generally released during the 1936-37 season.

The Schedule contains blank spaces for the insertion of the number of classifications exhibitor and salesman will agree to, the number of pictures for each classification, the minimum guarantees, the percentages for score, and for the days on which a given number of pictures are to be exhibited.

In the last classification are to be included all pictures which the distributor will not designate at least fourteen days prior to the day exhibition of the picture will begin.

If an exhibitor should, under his ten per cent cancellation privilege, cancel one of the pictures after the distributor has designated it in a particular classification, the distributor shall have the right to place another picture in its place, on the terms of the picture cancelled by the exhibitor, and on the days the cancelled picture was to play.

An exhibitor who has contracted for his pictures second run so as to take advantage of the publicity given them in a first-run theatre must play such pictures as are not shown first-run.

In case the exhibitor changed the admission prices specified in the contract without the distributor's written consent the distributor retains the right to change or modify the run specified in the contract, or to terminate the contract for the remaining pictures, as well as any other contract. The distributor retains the right to claim damages.

#### MAIN CONTRACT

NINETEENTH (Clause): No promises made by the salesman to the exhibitor are worth anything unless they are contained in the contract.

The remarks made in the comment about a similar

provision in the Columbia contract are applicable here.

TWENTY-THIRD: This clause grants to the exhibitor the right to cancel one out of each ten pictures he has bought, provided he has bought the entire product. But it is so ambiguous that an exhibitor has to have a code book to find out when and how to cancel a picture. It is almost an exact duplicate of the cancellation provision in the defunct NRA Code.

Under this clause an exhibitor can cancel one out of each group of ten pictures only if he sends his written notice of cancellation within fourteen days from the day a picture has been released in the exchange territory from which the exhibitor is served. This makes it necessary for each exhibitor to watch the dates on which the exchange sets each picture for release.

In some territories the secretary of the exhibitor organization notifies the members of the release dates; but exhibitors who are not members of that organization have no way of knowing. It is true that the releases are often printed in the local trade papers; but frequently these papers reach the exhibitor too late for the information to do him any good. This makes it necessary for each exhibitor to be on the alert. He may have to ask the exchange now and then whether or not any pictures have been put on the release list.

As to whether the cancellation privilege is cumulative or not, there is still a dispute about this matter even though the cancellation clause of the defunct Code was interpreted to mean that such a privilege is cumulative, the interpretation being sustained by Sol A. Rosenblatt, who was the Administrator of this industry's Code.

If you want to be sure whether the cancellation right is cumulative or not, that is, whether you can cancel in any of the subsequent groups a picture you did not cancel in any of the groups of ten pictures, write to your exchange and ask the branch manager to make your rights in this matter clear. If the branch manager denies that the cancellation right is cumulative, write me about it so that I may get a definition of your rights from the Home Office of this company.

TWENTY-FOURTH: Any picture shown for three consecutive days in a theatre charging the usual admission prices, is considered as having been released in that particular zone. Roadshows, try-outs, previews or pre-releases are excepted; but such an exception is meaningless, for, since the pictures are not described in the contract, a picture is not considered yours until the distributor releases it for general distribution; and try-outs, previews, pre-releases, and roadshow exhibitions are given prior to the picture's general release.

MGM might have saved the type-setting and the printing cost if it had omitted these exceptions from the clause.

TWENTY-FIFTH: This clause refers to the roadshows. But, as said above, it is meaningless since no contract holder can claim a roadshow picture until after MGM has placed it on the general release list.

TWENTY-SIXTH: Unless the Home Office of the distributor mails or telegraphs notice of acceptance fifteen days after the exhibitor signed the application if his theatre is located east of the Mississippi, or thirty days after if his theatre is located west of that river, the application is considered as having been withdrawn.

The clause does not state that the exhibitor has the right to withdraw the application until the minute the distributor has approved it; but the exhibitor has such

(Continued on last page)



**"His Brother's Wife" with Robert Taylor  
and Barbara Stanwyck**  
(MGM, Aug. 7; time, 89 min.)

This will undoubtedly prove very successful at the box-office because of the popularity of Robert Taylor. But it will have to depend entirely on his drawing power because the story is unpleasant. This is owing to the fact that the heroine (Barbara Stanwyck) is portrayed as a person lacking understanding or character; and when she avenges herself on John Eldredge, who had tried to do his duty, thereby interfering with her plans, she creates so unfavorable an impression than not even her later sufferings moves the audience; particularly unpleasant is the fact that by her action she pits brother against brother. Added to this is the unpleasant background against which the second half is laid—that of a fever-infested jungle where men fight heat and disease; sensitive people may be sickened by the sight of suffering and the frequent hypodermic injections used to offset the disease. Otherwise, the plot is of the familiar variety, and is saved from mediocrity by the competent acting:—

Ten days before he is to leave on a scientific expedition to discover a cure for jungle fever, Taylor meets and falls madly in love with Miss Stanwyck. He decides to give up his career and marry her. Eldredge, his brother, is enraged when he hears this and induces Taylor, for their father's sake, to continue with his original plans; he promises to borrow \$5,000 to pay back Taylor's gambling debts to Joseph Calleia. Miss Stanwyck refuses to listen to reason; she goes to Calleia and offers to work for him bringing in "suckers" and in that way pay off Taylor's debt. After Taylor leaves she tells Eldredge what she had done, leading him to believe that she never really loved his brother; Eldredge marries her. She leaves him immediately after the ceremony, thus disrupting his peace of mind for he loved her. Taylor returns for a short stay and is shocked when he hears of Miss Stanwyck's actions. He goes to see her and she explains why she had done it; she tells him she is sorry and still loves him. He suggests that she go back to the jungle with him, giving Eldredge grounds for divorce; he leads her to believe he will marry her. But when the divorce is finally granted he tells her to leave, for his purpose had been merely to help his brother. In order to prove her great love for him she injects the fever germs into her arm so as to give him an opportunity to try out his new serum on her. It works and she is saved; Taylor realizes he had misjudged her. They marry.

George Auerbach wrote the story, and Leon Gordon and John Meehan the screen play. W. S. Van Dyke directed it, and Lawrence Weingarten produced it. In the cast are Jean Hersholt, Samuel S. Hinds, and others.

Not particularly suitable for children or adolescents; adult entertainment. Class B.

**"The Case of the Velvet Claws" with  
Warren William and Claire Dodd**  
(First National, Aug. 15; time, 63 min.)

Fair entertainment for followers of murder mystery melodramas. The tension is offset by comedy, which becomes pretty silly at times. And the dialogue on several occasions is somewhat risqué. Also the manner in which the murder is committed and the reason why it is done is extremely demoralizing—a young man, upon hearing that he had been made the sole heir in his uncle's will, kills his uncle so as to collect the inheritance. The audience is led to believe that the murder had been committed by Winifred Shaw; therefore, the discovery of the actual murderer comes as a surprise and gives the story an unlooked for twist:—

Miss Shaw at the point of a gun compels William to leave Miss Dodd, his bride of an hour, and go out on a case for her. She had been out with a Senator the night before and did not want the story printed in a certain gossip sheet. William's investigation leads him to the discovery that the owner of the scandal sheet was none other than Joseph King, Miss Shaw's husband; King was determined to print the story so as to get rid of his wife. A few hours later Miss Shaw shoots her husband and, thinking that she had killed him, calls William. She tries to concoct a story putting the blame on William but he is too clever for her. Eventually he proves that King had only pretended to be killed when Miss Shaw shot him; he had confided in his nephew about the trick, and that he had made him his heir. The nephew then killed him. After the case is cleared, William and his bride leave for their honeymoon.

Eric Stanley Gardner wrote the story, and Tom Reed the screen play. William Clemens directed it and Bryan Foy supervised. In the cast are Gordon Elliott, Addison Richards, Eddie Acuff, Olin Howland and others.

Unsuitable for children and adolescents; adult entertainment. Class B.

**"Yours for the Asking" with George Raft,  
Dolores Costello and Ida Lupino**  
(Paramount, July 24; time, 74 min.)

A fair comedy, lavishly produced. The story is not particularly novel, nor even pleasant, for it makes a "sap" out of George Raft, the hero. But it has good comedy, as a result of excellent comic characterizations well played by Reginald Owen, Ida Lupino, James Gleason, Edgar Kennedy and Lynne Overman; for this reason it should appeal to the masses. The scenes showing Owen, a panhandler, putting on the airs of an aristocrat provoke hearty laughter. The action lags when the plot becomes serious; but it takes on life each time the comedy starts. The closing scenes hold one in fair suspense; there the scheming Owen and Miss Lupino are prevented from taking a large sum of money from Raft. The love affair is pleasant:—

Raft, against the advice of his three buddies—Gleason, Kennedy and Overman—decides to open up a swanky gambling club and cafe in the home of Dolores Costello, an impoverished society girl; he makes her his partner. Raft's three friends, fearing that Miss Costello was interested in Raft only for his money, decide to divert his attention from her. They engage Miss Lupino, a well-known character, to pose as a society girl, and Owen, a panhandler, to pose as her uncle. Her orders are to make Raft fall in love with her and then to jilt him. Miss Lupino proceeds with her work and is successful enough to obtain large sums of money from Raft without his friends suspecting this. Miss Costello eventually opens their eyes to what is happening, and they arrive at Miss Lupino's home in time to prevent her and Owen from leaving with \$15,000 of Raft's money. The friends are happy when they realize that Raft and Miss Costello love each other.

W. R. Lipman and W. H. Wright wrote the story, and Phillip MacDonald, Eve Greene and Harlan Ware the screen play. Alexander Hall directed it, and Lewis Gensler produced it. In the cast are Skeets Gallagher, Keith Daniels, and others.

Not for children or adolescents; good for adults. Class B.

**"Charlie Chan at the Race Track" with  
Warner Oland**

(20th Century-Fox, Aug. 7; time, 70 min.)

This is an absorbing murder-mystery melodrama rating as one of the best of the Chan series. It has a good sprinkling of comedy, provoked mostly by Keye Luke, as Warner Oland's (Chan's) son, who imagines himself to be as good a detective as his father. One is held in suspense throughout because of the clever way in which the identity of the murderer is kept hidden; as a matter of fact when this fact is disclosed in the closing scene it comes as a surprise. The methods used by Oland to solve the mystery are logical and at times make for thrilling situations. The scenes of the horse races are extremely exciting, particularly the race in the end, where an attempt is made to kill the favorite horse. The love interest is mild:—

Oland is called in by Alan Dinehart to solve the mysterious death of his father-in-law, owner of a fine race horse which had been purposely fouled by the jockey in an important race. Oland joins Dinehart on his trip from Australia to California, where the horse was to be entered in another race. Luke feels he should be near his father and so obtains a job as cabin boy on the boat. Mysterious things happen—a fire breaks out in the stalls, during which time horses are switched. On the day of the big race Oland is kidnapped by a gang of gamblers; but he manages to escape. He switches the horses back to their proper stables, thus outwitting the gamblers. He eventually proves that the murderer is none other than Dinehart, who had hated his father-in-law for refusing to pay his gambling debts.

Lou Breslow and Saul Elkins wrote the story, and Robert Ellis, Helen Logan and Edward T. Lowe the screen play. H. Bruce Humberstone directed it, and John Stone was associate producer. In the cast are Helen Wood, Thomas Beck, Galvin Muir, G. P. Huntley, Jr., and others.

Since the murder is only referred to, it is suitable for children and adolescents. Excellent for adults. Class A.



**"Piccadilly Jim" with Robert Montgomery,  
Frank Morgan and Madge Evans**

(MGM, Aug. 14; time, 94½ min.)

A well produced, fast-moving comedy, with fine acting. The underlying plot is pretty thin, but it manages to be entertaining throughout. Several situations are extremely comical, owing to the smart dialogue and amusing characterizations. The situation where Frank Morgan, a ham actor posing as a Count, impresses Cora Witherspoon with his false title provokes hearty laughter. Although primarily a comedy, the story has some human interest; and the spectator feels sympathy for both Morgan and Robert Montgomery (playing father and son) in their efforts to help each other.

In the development of the plot Morgan, a one-time Shakespearian actor, is supported in style by Montgomery, his son, a caricaturist. Morgan pleads with his son to help him win Billie Burke who loved him, but who was afraid to marry him because of the objections of her wealthy sister (Miss Witherspoon). Montgomery accidentally becomes acquainted with Madge Evans, without realizing that she is Miss Witherspoon's niece. She refuses to tell him her name and he neglects his work in an effort to find her. He is discharged from the newspaper. He conceives the idea of putting out a daily comic strip depicting the life of Miss Witherspoon, her husband and pesty son. This brings him fame and fortune, but humiliation to the family. When he learns who Miss Evans is he tries to stop the publishing of the cartoons but the editor refuses to do this. He follows her to America, where his father had gone disguised as a Count. Montgomery decides to change the character of his cartoon family from silly people to charitable ones. This brings publicity to the Witherspoon family, to the benefit of their business and social standing. She relents, therefore, and permits Morgan to marry Miss Burke. Miss Evans refuses to admit that she loves Montgomery, but when he threatens to go away she succumbs.

P. G. Wodehouse wrote the story, and Charles Brackett and Edwin Knopf the screen play. Robert Z. Leonard directed it, and Harry Rapf produced it. In the cast are Eric Blore, Robert Benchley, Ralph Forbes, Tommy Bupp, Grant Mitchell and others.

Suitable for all. Class A.

**"Second Wife" with Gertrude Michael  
and Walter Abel**

(RKO, Aug. 21; time, 59 min.)

This domestic drama is just fair entertainment. Fashioned on the order of a stage play, it consists of dialogue with little action. There is just one emotionally stirring situation,—it is where Gertrude Michael goes to the boarding school to see her stepson (Lee Van Atta) to tell him that she wants him to live at home; the boy's tearful admission that he should like to be there touches one. The picture is not particularly well cast in the leading roles; Walter Abel's performance is stilted, and Miss Michael seems to be out of place in the mother role. The intrusion of Eric Rhodes in Abel's home, and his attempts to win Miss Michael away from Abel, are not pleasant:—

A year after the death of his wife, Abel marries again, choosing Miss Michael for his second wife. Against Miss Michael's wishes, he decides to send Lee to a boarding school in Switzerland. Miss Michael is very happy and excited at the prospect of an addition to the family. A cable arrives from Switzerland informing Abel that his son is very ill. Without taking into consideration the fact that Miss Michael may need him, Abel rushes off to be with his son. This embitters Miss Michael; after the birth of her daughter she decides to leave Abel. Upon his return from Switzerland with his son, whom he had left in a nearby boarding school, Abel is shocked at Miss Michael's attitude. She tells him she is going to get a divorce and then marry Rhodes. But when Rhodes refuses to accept her daughter in his home, Miss Michael realizes what a fool she had been. She rushes to see Lee and brings him back home. Abel is overjoyed to find his family together, and everything forgiven.

The plot was adapted from the play, "All the Kings Men" by Fulton Oursler. Thomas Lennon wrote the screen play, Edward Killy directed it, and Lee Marcus produced it. In the cast are Emma Dunn, George Breakstone, and others.

Morally suitable for all. Class A.

**"A Son Comes Home" with Mary Boland,  
Wallace Ford and Julie Hayden**

(Paramount, July 31; time, 70 min.)

This is pretty sombre entertainment, with little comic relief. The shabby background heightens the gloominess. Audiences will be surprised to find Mary Boland in a dramatic instead of a comedy role; but she is extremely effective, portraying the role with sincerity, and awakening sympathy by her actions. It is the story of mother love and sacrifice and as such should find favor mostly with elderly folk; it has little to hold the attention of young people for there is just a slight hint at a romance. A few situations are stirring. The situation where Miss Boland comes face to face with her son (Anthony Nace) and realizes he is a murderer should touch one's emotions. The closing scenes in which Nace is cornered hold one in suspense:—

Donald Woods, who had accepted a hitch with Nace, is shocked when Nace holds up a gasoline station owner and shoots him. Nace escapes by knocking out Woods, and when the police arrive they arrest Woods, disbelieving his story of innocence. Woods escapes but is caught again. He reads an account of Miss Boland's good deeds as "Angel of the Waterfront" and the fact that she had hoped her long missing son would return to her. He claims to be her son. Realizing that Woods is an innocent man, she claims him as her son and tells him she will help him. She puts up bail for his release, and with the help of Wallace Ford, a newspaper reporter, sets out to find the real murderer. Woods recognizes a picture of her son as his evil companion and tries to have her stop the investigation. But she is determined to go on. Her investigation leads to her own son; although she is heartbroken she feels that she cannot let an innocent man suffer and calls for the police. Nace is killed when attempting to escape. When Woods is freed he goes to Miss Boland, and is welcomed by her as her son.

Harry Hervey wrote the story, and Sylvia Thalberg the screen play. E. A. Dupont directed it, and Albert Lewis produced it. In the cast are Roger Imhof, Gertrude W. Hoffman and others.

Because of the shooting it is unsuitable for children or adolescents. Good for adults. Class B.

**"Follow Your Heart" with Marion Talley  
and Michael Bartlett**

(Republic, Sept. 5; time, 84 min.)

This is the finest and most lavish production ever released by an independent company. It has a pleasant story with human appeal, excellent music, and good comedy. And in Marion Talley and Michael Bartlett Republic has probably two good prospects; in this picture they render both the operatic arias and popular songs with fine feeling and in excellent voice. It is cheerful entertainment, the sort that leaves one in a happy mood when it is over. The plot is kept simple; it presents its musical numbers and dance routines without any backstage trimmings. There is not an unpleasant character; as a matter of fact most of them are appealing. And both Miss Talley and Bartlett awaken sympathy:—

Miss Talley, the only practical member of a professional family, longs for the time when she can see her father and brother in a secure financial position so that she might marry John Eldredge. Although she has a remarkable voice she refuses to use it professionally, feeling that it would not bring her happiness. Luis Aliberti, her uncle, brings his opera troupe to Miss Talley's home, expecting her to take care of them until he can produce his new operetta. She is attracted to Bartlett, the tenor, but refuses to admit this. When Bartlett hears her sing, he is amazed and pleads with her to appear in her uncle's operetta; she refuses. With money which he borrows from Miss Talley's father, Bartlett goes ahead with plans to convert her home into a theatre. She is enraged and threatens him with arrest unless he returns the money to her. By a clever ruse he compels her to sing in the leading role; she is acclaimed by the audience. The troupe sets out for a tour. At the last minute Miss Talley gives up Eldredge, realizing that she loves Bartlett and is willing to share his precarious manner of living.

Dana Burnet wrote the story, and Lester Cole, Nathaniel West, and Samuel Ornitz wrote the screen play. Aubrey Scott directed it and Nat Levine produced it. In the cast are Nigel Bruce, Henrietta Crosman, Vivienne Osborne, Walter Catlett, and others.

Suitable for all. Class A.



a right, because, when he signs the application, he merely makes an offer, and until that offer is accepted the exhibitor has the right to withdraw it. And his offer is not accepted until an authorized Home Office executive has so notified him in writing.

### Paramount

#### SCHEDULE:

The Paramount contract calls for a maximum number of 65 pictures in the Group S-8, with no minimum number stated, permitting it to deliver anywhere from one picture to sixty-five pictures, between August 1, 1936, and July 31, 1937.

The contract does not provide for the disposition of pictures that may not be released generally during the season and since no minimum number of pictures is stated in the contract a contract holder has no remedy in case Paramount should deliver fewer than 65 pictures.

The contract excepts all pictures for which the distributor is obliged to obtain the consent of the producer before consummating the sale. But such a reservation is meaningless in that an exhibitor cannot claim a Paramount picture as his until Paramount announced such picture's release. Meaningless is also the provision about excepting "roadshows," "previews" or "pre-releases," for the same reason.

The exception of the "Hopalong Cassidy's" is valid in that these pictures are sold on a separate contract.

The distributor reserves the right to say what pictures shall be placed in the different classifications.

If a contract holder should cancel a picture after the distributor has placed it on any of the classifications, the distributor has the right to place another picture in its place, the purpose being to retain the exact number

According to another provision in the Schedule, the license fees are not "average" license fees, so that, in case the distributor failed to release all the low classification pictures he sold and the exhibitor's "average" per picture was raised thereby the exhibitor has no right to demand a readjustment of the prices.

A blank space is provided for the insertion of the minimum admission prices that shall be charged during the exhibition of the Paramount pictures. If minimum admission prices are inserted and the exhibitor should lower them after the approval of the contract by the distributor, the distributor has the right to (a) terminate the contract for the remaining pictures, (b) demand payment for all undelivered pictures, (c) reduce the period of clearance in case clearance is provided for in the contract, withholding the notice of play-date availability as long as sixty days. The exhibitor agrees that his run under such circumstances shall be considered revoked and shall play the pictures at the pleasure of the distributor.

The exhibitor agrees to announce in all of his advertisements that it is A PARAMOUNT PICTURE.

If the exhibitor has the right to play a picture, for example, three days and he books it and plays it for two, he has no right to bring it back for a third day unless he signs a new contract for it and pays a new price.

Paramount may add to the C. O. D. any other amount of money the exhibitor owes it; it may attach a C. O. D. for such a debt even if the picture (or whatever other article in the shipment) is paid for in full.

#### MAIN CONTRACT:

**SECOND CLAUSE (a):** The contract runs for one year from the date fixed for the exhibition of the first picture. Unless Paramount delivers all the pictures within that period of time, it cannot deliver them afterward, because there is no "pictures not generally released" provision in the contract and there is no other provision by which it could compel you to accept pictures not so released during those twelve months. But you have no right to claim damages by reason of the fact that the contract does not state a minimum number of feature pictures that must be delivered.

**NINTH:** Until the distributor has notified the exhibitor in writing that he has accepted the application, the exhibitor has the right to withdraw it if he sees fit so to do. The distributor must notify the exhibitor that he has accepted the application within fifteen days, if the ex-

hibitor's theatre is located east of the Mississippi River, or thirty days if west of that river.

**TENTH:** No oral (or verbal, as erroneously called) promises are taken into consideration; such promises must be put into the contract.

**FOURTEENTH:** This clause confers upon the exhibitor the right to cancel one out of each ten pictures released. But such right is so beclouded with either obscure or ambiguous conditions that it is difficult, if not impossible, for an exhibitor to take advantage of it. The one condition that is clear is that he must give his notice within fourteen days of the release of a picture in the exchange territory from which the exhibitor is served. What was said of this condition in the analysis of the cancellation provision in the MGM contract applies also in this instance. Read that clause and be governed accordingly.

**SEVENTEENTH:** This clause covers the pictures that are to be roadshown; but in view of the fact that no description of the pictures is given in the contract and a picture does not become the contract holders' until Paramount has announced it for general release, such a clause is meaningless. Paramount could have shortened the contract considerably and saved some money in printing by omitting it.

**NINETEENTH:** The Paramount contract contains an optional arbitration provision. In view of the fact that there is no agency in existence to settle exhibitor-distributor troubles outside of court, and in view of the fact that court litigation is either too expensive or too troublesome for most exhibitors, HARRISON'S REPORTS suggests that each exhibitor sign this provision, particularly because the arbitration called for is not like the arbitration that was in vogue before Judge Thachr declared it illegal.

**TWENTIETH:** This clause aims to protect the exhibitor in the case of substitutions. But, like the roadshow clause, it could have been omitted by Paramount, saving considerable trouble and expense, and making the contract much shorter, because, since the pictures are not described in the contract, it is meaningless.

In addition to the 65 maximum sold in the main contract, Paramount is selling six Hopalong Cassidy pictures, which are western melodramas.

### DISTRIBUTOR EMPLOYEES OPERATING THEATRES AS AN AVOCATION

This office has received the following communication from an exhibitor in the Philadelphia zone:

"Bob Lynch, of MGM, is putting up money for the Grand Opera House down in Philadelphia, a closed theatre for three years, for his son-in-law in partnership with another fellow.

"This house could not get MGM product before, or any other pictures, for that matter, unless they were last run. Now the Grand Opera House is getting pictures ahead of eight other theatres; they are running it as a colored house, with admission prices up to 40c. Ethel Waters is scheduled for the opening. There is a lot of agitation about it in Philadelphia.

"Moss, District Manager of Twentieth Century-Fox, has a house in Souderton, Pa., for his son-in-law, with no opposition.

"Al Davis, salesman of Twentieth Century-Fox, is interested in a theatre in New Jersey, with no opposition.

"If other salesmen and managers should find theatre operation on the side profitable, isn't there a chance that the idea may spread?

"I wonder whether the Home Office executives in New York know about the theatre operating activities of these fellows. You might ask them."

Although this paper has absolute confidence in the integrity of the writer of this letter and in the accuracy of the information he sends to this paper frequently, his letter is printed not as a statement of facts, but for the purpose of calling on Messrs. Bob Lynch,, Moss, and Al Davis either to deny or affirm these statements. In case they refuse, Harrison's Reports will query the Home Office of their companies whether they approve of the theatre operating activities of these men or not.

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**A REVIEWING SERVICE FREE FROM THE INFLUENCE OF FILM ADVERTISING**

Vol. XVIII

SATURDAY, AUGUST 29, 1936

No. 35

## A Study of the 1936-37 Season's Contracts—No. 3

### RKO

#### SCHEDULE:

The RKO contract does not limit the number of pictures that may be delivered to the contract holder, and the contract holder must accept whatever the number is; but he may demand the delivery only of such pictures as RKO shall number from 701 to 746.

**DESIGNATION OF PHOTOPLAYS:** A blank space is provided for in this provision for the insertion of the number of pictures the distributor may designate to be played on percentage, the percentage to be designated also by the distributor in accordance with the agreement. The distributor retains the right also to interchange the prices and terms of pictures. Unless the pictures that are to be played under the different percentages are described in the contract at the time the exhibitor signs the application, it is meaningless, for a picture does not become the contract holder's until it has been "generally released," and the distributor may do anything it wants with the pictures before it has placed them on the general release list. The matter may differ if the distributor intends to designate the same picture on different percentages to different exhibitors; in such a case, it is meaningful.

The distributor reserves the right to designate a blank number of pictures to be exhibited on preferred days.

Double-features of RKO pictures is prohibited, unless the exhibitor crosses off the provision, "The Exhibitor agrees that none of the feature photoplays licensed hereunder will be exhibited at the same performance with any other feature photoplay as part of a double-feature program, and a breach of this provision will be considered a material breach of this agreement," which appears at the head of the blank space in the schedule.

The agreement does not include such pictures as are produced by independent producers and are sold in separate contracts; nor any color shorts, unless such shorts are written into the contract.

The license fees are not average license fees, and an exhibitor has no right to ask for an adjustment of the prices if the distributor should fail to deliver some of the low allocation pictures, causing his "average" to come higher than he figured out at the time he signed the application.

A space is provided for the writing in of the minimum admission prices that shall be charged during the exhibition of the RKO features. If the exhibitor should lower such prices after the application was accepted, the distributor shall have the right, (a) to terminate the contract for the picture first exhibited at lower prices and to do other things, which are the same as are called for in similar provisions in the MGM and the Paramount contracts, as described in the study of those contracts.

#### MAIN CONTRACT:

**FIRST CLAUSE:** This contract is for eighteen months from the day the first picture is play-dated in accordance with the terms of the contract, and covers such pictures as may be "generally released" between September 1, 1936, and August 31, 1937.

If the distributor shall not "generally release" between September 1, 1936, and August 31, 1937 some pictures designated by RKO as 1936-37 productions the exhibitor must nevertheless accept such pictures should they be released between August 31 and December 31, 1937; unless the contract holder notifies the distributor, in writing, not later than September 10, 1937, that he does not want them. But if he should send such a notice, he must reject all such pictures: he cannot accept some and reject the others.

**NINTH:** This clause covers the substitutions of stars or stories. But it is meaningless since no pictures are described in the contract. RKO could have saved considerable trouble and made its contract shorter if it had omitted it.

**FIFTEENTH:** This agreement is complete and does not take into consideration any oral promises made to the exhibitor by the distributor's representative. If the exhibitor should accept promises other than those that are contained in the contract, he will be out of luck. He should be careful not to attempt to justify the holding over of a film on the ground of promises by the salesman. If he should do so, he may be liable to be sued for violation of the copyright act, which violation is punishable by a \$250 fine. And each unauthorized exhibition is a separate and distinct violation.

**SIXTEENTH:** This is the cancellation provision, which grants the exhibitor the right to cancel one out of each ten pictures released by RKO.

Since this provision is similar to that of the MGM as well as the Paramount contracts, what was said in the study of those contracts is true here.

If an exhibitor should want to avoid controversies as to his rights at cancelling pictures, he should insert into his contract the same provision that was suggested in the study of the Columbia contract.

**SEVENTEENTH:** The distributor must approve the exhibitor's application within fifteen days, if the exhibitor's theatre is located east of the Mississippi River, or thirty days if located west of that river; and until the distributor accepts it the exhibitor has the right to withdraw the application.

**NINETEENTH:** This clause refers to the pictures that are to be considered roadshows. But it is meaningless, since no picture can be considered as belonging to the contract holders until it has been "generally released," and until a picture is placed on the release list the distributor may do anything he pleases with it.

Like the other distributors, RKO could have omitted this clause from the contract to advantage.

**TWENTIETH:** This refers to pictures where more than one star from among those mentioned in the schedule appear in it; but since the schedule does not mention any stars, this clause, too, is superfluous and could have been omitted to advantage.

As said in the study of the schedule and of the **FIRST** clause, the contract calls for forty-six numbered pictures, to be released between September 1, 1936, and August 31, 1937, and its life is eighteen months from the day the first picture is play-dated in accordance with the terms of the contract. Unless the distributor delivers within that eighteen month period all the pictures released (and numbered from 701 to 746) between September 1, 1936, and August 31, 1937, the exhibitor may claim damages.

In addition to the forty-six feature pictures, RKO is selling two Joe E. Browns and six George O'Briens, on separate contracts.

### Republic

#### MAIN CONTRACT:

**EIGHTH CLAUSE:** This clause refers to substitutions, but in view of the fact that no description of the pictures is given in the contract it is meaningless and superfluous.

**TENTH:** Until the distributor accepts the application, within fifteen days, if the exhibitor's theatre is located east

(Continued on last page)



**"The Texas Rangers" with Fred MacMurray, Jack Oakie and Jean Parker**

(Paramount, Aug. 28; time, 98 min.)

Good entertainment, particularly suitable for followers of western melodramas. It naturally is superior to pictures of this type by virtue of star names and an excellent production. Maintaining a fast pace throughout, it holds the audience in tense suspense. There are many thrilling situations, which are provoked by the fast riding, the exciting encounter of the Rangers with the Indians, and the final chase in which MacMurray, a Ranger, corners and kills Lloyd Nolan, a daring bandit. The scene showing MacMurray risking his life to rush for help for the other Rangers who were surrounded by Indians is extremely exciting. MacMurray's bravery and final reformation awaken the spectator's sympathy. Jack Oakie, as MacMurray's pal, takes care of the comedy situations in his usual expert manner. The love interest, although somewhat subdued, is pleasant.

In the development of the plot, MacMurray and Oakie, two bandits, join the Texas Rangers only as a means of carrying on their work unmolested. Their idea was to tip off Nolan, their partner in crime, whenever gold shipments were to be made, and give him protection. But working with the Rangers on dangerous assignments brings about a change in Oakie, who pleads with MacMurray to reform; MacMurray refuses. Jean Parker, the Major's daughter, falls in love with MacMurray; Oakie hopes that her influence will change MacMurray. When MacMurray is put in jail for refusing to go after his former pal Nolan, Oakie takes his place. Nolan kills him and sends the body back to the Ranger headquarters with a warning for them not to molest him. This arouses MacMurray, who pleads with the Major for a chance to get Nolan. After a thrilling chase, MacMurray kills Nolan. Completely reformed, he asks Miss Parker to marry him.

King Vidor and Elizabeth Hill wrote the story, and Louis Stevens the screen play. King Vidor directed and produced it. In the cast are Edward Ellis, Bennie Bartlett, and others.

The reformation of the bandits makes it suitable for all. Class A.

**"China Clipper" with Pat O'Brien and Beverly Roberts**

(First National, Aug. 22; time, 87 min.)

This should please aviation enthusiasts. But it lacks real entertainment value for the masses, for the story is concerned primarily with the progress aviation has made since Lindbergh's flight across the Atlantic. As a matter of fact, it should serve as a good advertisement for the Pan-American Airway System, for it deals with the route they cover. The plot, or what there is of it, is thin. The only really dramatic situation is found in the closing scenes where the China Clipper makes its first trans-oceanic flight, fighting its way through a typhoon. Pat O'Brien, playing the part of the visionary, whose foresight and courage bring about trans-oceanic commercial flying, fails to awaken sympathy. He is shown as being hard and relentless, driving men beyond their strength. The love interest is subdued; it has no direct bearing on the plot.

One warms up to Beverly Roberts, who leaves her husband (O'Brien), because she feels that he does not need her, his life being completely wrapped up in aviation. They become reconciled in the end.

The slight comic relief is handled by Ross Alexander and Marie Wilson; it is mildly amusing.

As an aviation picture it differs slightly from its predecessors, for it does not go in for stunt flying or spectacular crashes.

Frank Wead wrote the original screen play, Raymond Enright directed it, and Lou Edelman produced it. In the cast are Humphrey Bogart, Henry B. Walthall, Joseph Crehan, Addison Richards, and others.

Suitable for all. Class A.

**"I'd Give My Life" with Tom Brown and Frances Drake**

(Paramount, Aug. 14; time, 79 min.)

A very good melodrama; it holds one in suspense to the end, and directs a deep appeal to one's emotions. Several situations are so touching that it is difficult for the spectator to hold back the tears. The scene where the hero, who was to be hung, bids goodbye to his sweetheart (heroine), is something that will linger in one's mind. Equally stirring is the scene where the heroine returns to the night club to sing, only to break down, choked with tears. The hero awakens deep sympathy, in spite of the fact that he commits a murder, for the audience feels as if it were justified—he is willing to go to the gallows in order to save from disgrace his mother, who did not know of his identity. The closing scenes hold one in tense suspense. The romance between Brown (the hero), and Miss Drake (the heroine), has been handled effectively:—

Brown learns, to his disgust, that Robert Gleckler, his benefactor, is his own father. He hated Gleckler because of the immoral life he had led and of his brutal treatment of people he came in contact with. Brown attempts to leave Gleckler so that he might marry Miss Drake, a singer in Gleckler's night club, and lead a respectable life. Gleckler warns him not to do so because he needed him; Gleckler had at one time been married to Janet Beecher, who had later divorced him and married Sir Guy Standing, (Governor, at the time the action unfolds), and Brown was their son whom he had kidnapped from her. His intention was to threaten Standing with disgrace unless he permitted him to continue prospering on vice. Brown kills Gleckler, and, because at his trial he refuses to justify his act, he is convicted and is sentenced to be hung. Miss Beecher, without knowing of the relationship, is drawn to Brown and pleads with Standing to reprieve him. Eventually the relationship comes to light. Standing promises to go before the Pardon Board to enter a plea on behalf of Brown. Mother and son are joyfully reunited, much to Miss Drake's happiness.

The plot was adapted from the play by H. H. Van Loan and Williard Mack. George O'Neil wrote the screen play, Edwin L. Marin directed it, and Richard A. Rowland produced it. In the cast are Helen Lowell, Paul Hurst, and others.

The murder may make it unsuitable for children or adolescents, in some theatres; excellent for adults. Suitability, Class B; entertainment, Class A.

**"Gentleman From Louisiana" with  
Eddie Quillan and Charlotte Henry**  
(*Republic, Aug. 17; running time, 69 min.*)

Pretty good entertainment. It has human interest, comedy, and several exciting situations; the second half holds one in suspense. The racing scenes are well done; the most thrilling race is the final one that shows Eddie Quillan riding his horse to victory against many handicaps. The human appeal is provoked by the loyalty and sacrifice made by Quillan, who suffers thereby. Since the action takes place in the year 1896 many noted characters are brought into the story, such as Sullivan the fighter, Diamond Jim Brady, and Steve Brodie, each one being fitted into the plot in a natural manner. The love interest is charming:—

Quillan, a former farm hand, by his scientific style of riding, becomes a famous jockey, riding Chic Sale's horse to victory. Sale combines forces with an old friend, Marjorie Gateson, owner of several race horses, on the understanding that Quillan would be a regular partner as John Miljan, Miss Gateson's manager, would be. Quillan rides a particular horse to many victories and grows to love the animal. He refuses to ride for other sportsmen. When Quillan hears that Charlotte Henry, whom he loved, was in love with Miljan, he accepts a proposition to race another man's horse at a fee of \$25,000 so as to cover up Miljan's gambling debts. He causes a rumpus on the race course when the jockey whips the horse he had expected to ride. He is barred from racing. Eventually his sacrifice comes to light. Diamond Jim finances the purchase of Quillan's former race horse, and procures his reinstatement as a jockey. Quillan rides the horse to victory, regaining the confidence of his friends and winning the hand of Miss Henry.

Jerry Chodorov and Bert Granet wrote the story, and Gordon Rigby and Joseph Fields the screen play. Irving Pichel directed it and Nat Levine produced it. In the cast are Pierre Watkins, Charles Wilson, and others.

Suitable for all. Class A.

**"Walking on Air" with Ann Sothern  
and Gene Raymond**  
(*RKO, Sept. 11; time, 69 min.*)

A fairly good program comedy with music; the production is extremely lavish. The music is tuneful and of the popular variety, and should please audiences who are not too exacting in their demands. The plot, although not unusual, is gay, several of the situations provoking hearty laughs. It is in the dialogue, however, that most of the comedy is provoked. The funniest situation is that in which Gene Raymond, engaged by Ann Sothern to pose as an insulting Count, proceeds to carry out his assignment by insulting her father and aunt. The love interest is developed pleasantly, ending in the manner hoped for by the spectator:—

When Miss Sothern's father (Henry Stephenson) refuses to permit his daughter to marry a philanderer, she decides to teach him a lesson. She engages Raymond, an impoverished college graduate, to pose as a Count and to insult her father and aunt (Miss Ralph), who lived with them. Her hope was that her father would be disgusted with the

Count and would permit her to marry the man she loved. But Stephenson sees through the scheme and, instead of resenting the Count's insults, pretends to be amused. This enrages Miss Sothern, who thinks that Raymond gave the whole thing away. She sends him away, even though she had fallen in love with him. Her father, thinking that his obstinacy was making her unhappy, gives his consent for her to marry the philanderer. But she decides it is Raymond she wants. Complications set in when she mistakes his sister-in-law for his wife; eventually everything is adjusted and the happy couple marry, much to Stephenson's delight.

Francis M. Cockrell wrote the story, and Bert Kalmar, Harry Ruby, Viola Brothers Shore and Rian James the screen play. Joseph Santley directed it and Edward Kaufmann produced it. In the cast are Alan Curtis, Gordon Jones, Anita Colby, George Meeker, and others.

Suitable for all. Class A.

**"Postal Inspector" with Ricardo Cortez  
and Patricia Ellis**  
(*Universal, Aug. 16; time, 58 min.*)

A fairly good program melodrama. It should find favor with audiences who like melodramatic situations. The closing scenes are exciting. Newsreel shots of the flood area have been worked into the plot in a pretty clever way; but they will be familiar to the audience as they were shown in every newsreel issue. The aim of this story is to glorify the efforts of postal inspectors who, despite all handicaps, attend to their duties in a courageous manner. The love interest is fairly pleasant. A few songs are sung by Miss Ellis in her role of a night club singer:—

Ricardo Cortez, postal inspector, and Michael Loring, his brother, connected with the United States Treasury Department, are good pals. Loring falls in love with Miss Ellis, a night club singer whom he had known since childhood. Loring tells Miss Ellis about the assignment he had been given of transporting three million dollars in old bills to be dumped; Miss Ellis in turn passes this information on to Bela Lugosi just as a matter of boosting Loring's importance without realizing that she was giving away secret information. Lugosi and his men hold up the mail truck carrying the money and steal the contents; but they are unable to get away because of the flood and are forced to hide in an apartment. Cortez feels that Miss Ellis was working with Lugosi; but Loring has faith in her. The young couple decide to investigate the matter themselves and locate the whereabouts of Lugosi; they go there. He holds them prisoners; but Cortez, who had followed by motor boat with the police, arrives in time to round up the gang. His faith in Miss Ellis is restored and he is happy to have his brother marry her.

Robert Presnell and Horace McCoy wrote the story, and Horace McCoy the screen play. Otto Brower directed it and Robert Presnell produced it. In the cast are David Oliver, Wallis Clark, Arthur Loft, and others.

Because of the activities of the crooks it may be unsuitable for children or adolescents. Adult entertainment. Class B.



of the Mississippi, or thirty days if west, the exhibitor has the right to withdraw the application.

**ELEVENTH:** No oral promises are to be taken into consideration; they must be written into the contract.

**FIFTEENTH:** This clause refers to the right of an exhibitor to cancel ten per cent of the pictures contracted for. It is almost the same provision that is contained in the MGM, Paramount and RKO contracts, and what was said of the cancellation provisions in those contracts applies to this contract.

**SEVENTEENTH:** This clause refers to the pictures that may not be "generally released" between September 1, 1936, and August 31, 1937. The distributor reserves the right to notify the exhibitor not later than August 15, 1937, that he excepts and excludes all "not generally released" pictures, unless the exhibitor should notify the distributor not later than September 30 that he wants them, in which case the distributor must deliver them. But since the contract does not contain any description of the pictures that are to be delivered under it, the clause is practically meaningless, for the exhibitor will not know what pictures are his until such pictures are placed on the release list. (In connection with this Clause, read what will be said in 7 under "ADDITIONAL CLAUSES.")

**TWENTY-FIRST:** This is the roadshow clause. But since the pictures are not described in the contract it is meaningless. What was said of the roadshow provisions of the other contracts applies also in this instance.

**TWENTY-SECOND:** This is the optional arbitration provision and HARRISON'S REPORTS recommends that those who sign the Republic contracts sign also this clause.

#### ADDITIONAL CLAUSES:

1. The Schedule contains numbers, but by this provision the distributor reserves the right to assign to each of these numbers any picture he sees fit.

2. The rentals are not average rentals.

3. The distributor reserves the right to demand payment of all moneys due for pictures played but not paid for before shipping a picture prior to the days on which it is to be exhibited.

7. If the distributor does not notify the exhibitor, as provided for in the Seventeenth Clause, by August 15, that he excepts and excludes all not generally released pictures, then he has to deliver them to the exhibitor, and the exhibitor has to accept them, if they should be released prior to August 31, 1938.

#### SCHEDULE:

The Schedule of the Republic Contract does not contain the complicated provisions contained in the other contracts. There is only one such provision; it reserves to the distributor the right to penalize the exhibitor should such exhibitor reduce the admission prices that may be agreed upon and inserted into the contract.

### Twentieth Century-Fox

#### SCHEDULE:

The Twentieth Century-Fox contract calls for a maximum of fifty-six or a minimum of forty-five. These include four English produced features, but the picture "As You Like It," the Will Rogers reissues, and features founded on either Harold Bell Wright or Zane Grey stories are excluded from this contract. The pictures are to be released between August 1, 1936, and July 31, 1937.

The contract excludes also all features for which the consent of the producer to the sale is required. It also specifies that "roadshowings, pre-views, or pre-releases shall not be taken to mean that such photoplays have been generally released." But this provision is meaningless in that the contract does not describe the pictures, either by story, author, star or director, and the distributor may do whatever he pleases with each picture until such time as he had placed it in the "generally released" list.

The license fees are not "average" license fees. This means that, in case the distributor failed to deliver to the exhibitor a number of the low allocation feature pictures, thus causing the exhibitor's "average" per picture to come higher than he figured at the time he was signing the application, he has no right to demand an adjustment.

If the exhibitor should, under his ten per cent cancellation right given him by the Fifteenth Clause, cancel a picture that belongs to the high allocations, the distributor retains the right to put another picture in its place, on the terms and prices of the canceled picture. By this provision

an exhibitor can cancel only the lowest allocation pictures. The intent is to have the number of A, B, and C pictures remain intact.

The distributor reserves the right to play-date a number of pictures (to be written in) to play on preferred days.

A space is provided for the insertion of the minimum admission prices the exhibitor must charge for Fox pictures. In case the exhibitor lowered such prices after the approval of the contract, the distributor reserves the right to apply several penalties, described in the Schedule.

If the contract calls for, say, three-day showing and the exhibitor booked the picture only two days, the exhibitor shall not have the right to bring back the picture for a third day unless he makes a new agreement—new prices and terms. Manifestly this clause refers to flat-rental pictures, for on percentage pictures the exhibitor is penalized should he show them fewer days than the number of days called for in the contract (see "c" in THIRD Clause.)

#### MAIN CONTRACT:

**TENTH:** The exhibitor must approve the application, and so notify the exhibitor in writing, within fifteen days if the exhibitor's theatre is located east of the Mississippi river, or thirty days if west of that river; and until the distributor approves the application the exhibitor has the right to withdraw it.

**ELEVENTH:** No oral promises are taken into consideration. The exhibitor must insist that all such promises be put into the contract. Regarding the danger of showing a picture an extra day without authorization, what was said in the study of the other contracts applies also in this instance.

**FIFTEENTH:** This clause refers to the exhibitor's right to cancel one out of each ten pictures. It is similar to the provision in the defunct NRA Code—ambiguous and obscure. You should read what was said of this clause in the other contracts, and how you could protect yourself in case you wanted to cancel more than one picture out of any group of ten and still avoid complications.

**NINETEENTH:** This deals with the roadshow pictures. But, like the roadshow clauses of the contracts so far discussed, it is meaningless in that the contract does not contain a description of the pictures an exhibitor buys and until a distributor places a picture on the general release list the contract holder cannot claim it as his own. The distributor may, therefore, do anything he pleases with such picture before he sets a release date for it.

The Twentieth Century-Fox contract, too, contains an arbitration provision, and HARRISON'S REPORTS suggest that those who will sign up for Twentieth Century-Fox pictures sign this provision.

### DON'T LITIGATE; ARBITRATE

In recent years voluntary arbitration of disputes proved so expeditious and so inexpensive that, one after another, state legislatures conferred upon arbitration tribunals many of the rights and powers formerly reserved to courts of law. Today their decisions or awards are as binding, as effective, and as enforceable as are the judgments issued out of any state or federal court.

Years of litigation at prohibitive expense may be reduced to a few hours of arbitration at a nominal expense.

The informality of the arbitration hearings and the absence of strict rules of procedure tend to revive the friendship between the disputing parties and to dissolve much of their rancor and bitterness. Not only do they settle their existing differences, but frequently they agree also upon a policy for their future transactions.

In a court, on the other hand, the enmity between the litigants is often heightened through caustic comments and relentless cross-examination by counsel. Seldom after a trial will the parties resume business dealings with each other.

In this respect the motion picture industry is no different from any other industry. Since the time that Judge Thacher's decision invalidated the producer-controlled arbitration boards, exhibitors have had the right to arbitrate with distributors on equal footing. Thus, their disputes may be determined shortly after they arise, with comparatively little loss of time and at a trifling expense.

HARRISON'S REPORTS urges all exhibitors to discard the old expensive method of litigation, and to adopt instead the modern efficient method of arbitration. Sign on the line that will make the optional arbitration provision a part of your contract.

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SATURDAY, SEPTEMBER 5, 1936

No. 36

### A Study of the 1936-37 Season's Contracts—No. 4

#### United Artists

##### SCHEDULE:

The contract provides spaces for the insertion of the titles of eight different pictures. But there is a footnote below the blank space of the Schedule making the contract individual for each picture, even though only one contract is used for eight pictures. In other words, the exhibitor agrees that the distributor may approve one, two, three or more, of the pictures written into the contract and reject the application for the remaining pictures, and the exhibitor is bound on such pictures as the distributor approved.

##### MAIN CONTRACT:

**SECOND CLAUSE:** The exhibitor agrees to obtain a license from the owners of the copyrighted music (American Society of Composers, Authors and Publishers) that is recorded on the sound track of United Artists films.

**FIFTH (1):** The distributor reserves the right to deliver its pictures in 2,000 foot length reels.

**SIXTH:** Roadshow pictures do not become available for the exhibitor until the distributor has announced them for general release. But the contract for any picture that may be roadshown in the immediate vicinity of the contract holder's theatre, in the same zone, as this word is used by the motion picture industry and so accepted by it, may be canceled by either the exhibitor or the distributor within fifteen days after the first day of the roadshow exhibition. Unless such a notice of cancellation is given, the contract for that picture remains in effect.

**SEVENTH (6):** The exhibitor agrees to exhibit the pictures in accordance with the sequence of their release.

**ELEVENTH (b):** The exhibitor agrees to accept a picture first run even though his contract may call for the delivery of the pictures second run. Thus if the exhibitor has contracted for the picture second run so as to benefit by the publicity the picture is given when it plays a first-run theatre, he cannot demand an adjustment of the price for that picture.

Those who want their pictures second run may insert into the contract a provision obligating the distributor to reduce the price by, say, fifty per cent, of any picture that will not play first run. The following provision may be a good one to write into the contract:

"Distributor agrees that, in the event any feature motion picture described in this Schedule shall be played by the exhibitor prior to its having been exhibited at a first-run theatre in the city of ....., the rental price of such picture shall be reduced by ....%."

**FOURTEENTH:** The exhibitor grants to the distributor the permission to attach a C.O.D. for all amounts he owes him, even if the picture shipped has been paid for in full.

**SEVENTEENTH:** Oral promises are not taken into consideration. Any such promises made by the salesman must be written into the contract.

#### Universal

##### SCHEDULE:

The Universal contract calls for thirty-six pictures, named, and numbered from No. 1001 to No. 1036. This is the only major distributing company, it seems, that has enough confidence in its product to give the names of the pictures it sells.

Blank spaces are provided for the insertion of the days on which a given number of pictures must be exhibited.

Blank spaces are provided for the insertion of the minimum admission prices that shall be charged. If the exhibitor,

after his application shall have been approved by the distributor, should lower such prices, then he is penalized in many ways mentioned in this provision.

The distributor reserves the right to interchange not only the terms but also the theatres (if more than one theatre is mentioned in the contract) with the terms (and theatre) of any other picture, by giving notice prior to the day on which the availability notice is to be mailed.

If an exhibitor, availing himself of his cancellation privilege, described in the Fifteenth Clause, should cancel a percentage picture, the distributor reserves the right to put in its place another picture, to be played on the terms of the canceled picture. Such picture may be taken even from the flat-rental class.

The distributor may attach on a film shipment a C.O.D. for all amounts owed him by the exhibitor.

The distributor may furnish its film mounted on 2,000 foot reels.

##### MAIN CONTRACT:

**EIGHTH:** This clause protects the exhibitor in the matter of star or story substitution, but the distributor reserves the right to change the title of any picture.

**TENTH:** Unless the distributor accepts the application within fifteen days, if the theatre is located east of the Mississippi, or within thirty days, if located west, the exhibitor has the right to withdraw the application.

**ELEVENTH:** By this clause the contract is considered complete. No oral promises are to be taken into consideration. The exhibitor must insist that, whatever promises the salesman may make, he put them into the contract.

**FIFTEENTH:** This clause deals with the right of an exhibitor to cancel one out of each group of ten pictures. Since it is practically the same clause as is contained in the other contracts, what was said in the study of the other contracts applies here.

**SIXTEENTH (e):** If the provisions of this contract should be in conflict with the provisions of any other contract closed with any other exhibitor prior to January 15, 1934, they shall be subordinated to the provisions of that other contract.

**SEVENTEENTH:** If any of the pictures described in the schedule shall not be released between September 1, 1936, and August 31, 1937, they shall be excluded from this contract if the distributor should send the exhibitor a written notice to that effect not later than August 15, 1937. But if the exhibitor should send the distributor a written notice, not later than September 30, 1937, demanding the delivery of all "not generally released" pictures, then the distributor must deliver them. In other words, the exhibitor has the right to demand such pictures but he cannot reject them. But if such pictures are not released by August 31, 1938, then the exhibitor is under no obligation to accept them.

#### Warner Bros.-First National

This paper wishes to call to the attention of exhibitors that, though every other distributor, major or minor, has co-operated fully with this paper by furnishing it with copies of the 1936-37 contracts, Warner-First National showed no spirit of co-operation whatever.

There would be some excuse if the contracts were not "public property"; but when copies may be obtained by the dozens through exhibitors everywhere in the country, a conduct such as this indicates "smallness," unworthy of a so-called big company.

(Continued on last page)



### **"Swing Time" with Ginger Rogers and Fred Astaire**

(RKO, Sept. 10; time, 103 min.)

Excellent! The dancing, music, and production are up to the standard set for the pictures in which Miss Rogers and Fred Astaire have appeared, and will thrill their fans. Lavish backgrounds are used for the dance numbers that are unusually good. Astaire excels in a solo tap number where he dances against a projected background of his own shadow; this dance is both novel and intricate. The story, which combines romance with comedy and music, is delightfully different from the last few these stars have appeared in; it is an excellent vehicle for their special talents. The comedy situations, ably handled by Helen Broderick, Victor Moore, and Eric Blore, add much to the entertainment value of the picture. Moore is particularly funny as Astaire's timid pal, who cannot resist the temptation of doing card tricks and getting Astaire into trouble.

Astaire, a dancer with a vaudeville unit, is prevented by his pals from marrying Betty Furness, because they feel it would ruin his future. Miss Furness' father, enraged because Astaire had failed to show up at the wedding, informs him that he will not consent to the marriage unless Astaire can show him a substantial financial background. Astaire leaves the vaudeville act, and, together with his pal Moore, sets out for New York via a freight train. He hopes that his gambling luck will help him obtain a fortune. During his first day in New York, he accidentally meets Miss Rogers, a dancing teacher. He follows her to the dancing school, pretending that he wanted instructions. Blore, manager of the school, angry at the way Miss Rogers treated Astaire, discharges her. Astaire insists that Blore watch him dance with Miss Rogers; he tells Blore that she had taught him everything. Their marvelous team work wins him over and he arranges to have them appear in a fashionable night club. The young couple soon fall very much in love with each other; but Astaire neglects to tell her about Miss Furness. When Miss Rogers finds out about this, she is angry and accepts the marriage proposal of Georges Metaxa, an orchestra leader. Astaire is released by Miss Furness and rushes to prevent Miss Rogers' marriage to Metaxa; he uses the simple trick of taking away the bridegroom's trousers. The lovers are then joyfully united.

Erwin Gelsey wrote the story and Howard Lindsay and Allan Scott the screen play. George Stevens directed it and Pandro S. Berman produced it.

Suitable for all. Class A.

### **"Two-Fisted Gentleman" with James Dunn and June Clayworth**

(Columbia, Aug. 15; time, 62 min.)

A pretty weak program picture; neither the production nor the acting is outstanding. The plot is of the old formula—the rise and fall of a prizefighter. Not one new angle has been added; and, because of the familiarity of the story, the spectator knows in advance just what is going to happen. For that reason it fails to hold one's attention. One feels sympathy for June Clayworth, Dunn's wife, who works hard to build up Dunn's reputation, only to see it smash because of his foolishness. The prize-fighting scenes may appeal to men who go in for this sport:—

When Miss Clayworth's father dies, she decides to continue in his business, which she knew best—

that of managing fighters. She has faith in Dunn, with whom she is in love, but finds it difficult to convince other managers of his prowess as a fighter. She finally gets a fight for him; under her tutelage he progresses and soon makes a name for himself. They decide to marry and go to New York for their big chance. But again they meet with disappointment, until Miss Clayworth arranges for him to fight at a charity affair. This brings him to the attention of promoters, who sign up with Miss Clayworth for bouts. Dunn rises in the field, but the money and the influence of a society girl go to his head. He gets into debt and decides to take another manager, who promises to match him with easy opponents. Miss Clayworth leaves him. The new manager frames him in his first fight and he is through. He goes down; this makes his wife unhappy, for she had been watching him secretly. By insulting him she brings back his desire to fight again; they become reconciled.

Tom Van Dyke wrote the original screen play, Gordon Wiles directed it, and Ben Pivar produced it. In the cast are George McKay, Thurston Hall, Gene Morgan, and others.

Morally suitable for all. Class A.

### **"Kelly the Second" with Patsy Kelly, Charlie Chase and Big Boy Williams**

(MGM, Aug. 21; time, 68 min.)

This slap-stick comedy is good program fare, in spite of the fact that the story is far-fetched. The beginning is extremely comical; it lets down a little when it is half way through, but ends in so comical a fashion that the audience will leave the theatre chuckling. One of the funniest situations is where Patsy Kelly arrives at a farm and gets frightened at the different animals. There are many gags, both old and new, used throughout; they should appeal to the masses, particularly to the Kelly fans. A few gangsters are brought into the plot, but they are burlesqued so that their actions, instead of being menacing, are ridiculous. The prize-fight scenes are comical and fairly exciting:—

Miss Kelly and Charlie Chase become the managers of Williams, a fighter. Chase innocently talks Edward Brophy, a notorious gangster, into betting \$1,000 on Williams in his first fight. Williams loses; Brophy, feeling that Chase had pulled a clever trick on him, compels him, at the point of a gun, to give him a share in the management of Williams. Miss Kelly trains Williams. After he wins many fights she prepares him for the championship bout. Pert Kelton, who had been humiliated by Brophy, decides to teach him a lesson. She flatters Williams, takes him to night clubs, and on the night of the fight gets him drunk. When Brophy sees Williams' condition he bets \$50,000 on his opponent. Miss Kelly comes to Williams' help and, although Brophy and his gangsters try to make him lose, she encourages him to win by getting the audience to sing an Irish tune that would speed Williams' punches. He wins the championship and marries Miss Kelly.

Jeff Moffitt and William Terhune wrote the story and Jack Jevne the screen play. Gus Meins directed it and Hal Roach produced it. In the cast are Harold Huber, Maxie Rosenbloom and DeWitt Jennings.

Because the gangsters are burlesqued, it is suitable for all. Suitability, Class A.

**"Star for a Night" with Claire Trevor  
and Jane Darwell**

(20th Century-Fox, Aug. 28; time, 76 min.)

Fairly good. It is a wholesome comedy-drama, particularly suitable for the family trade. Parts of it are extremely touching; the situation showing the mother arriving from Europe and being greeted by her grown children who had not seen her for a long time will bring tears to the eyes. The comedy is handled well by Arline Judge, Susan Fleming, and Joyce Compton, as three well-meaning chorus girls, friends of Claire Trevor, who help her bring happiness to her mother (Jane Darwell). The backstage scenes and the musical numbers are so well interwoven in the plot that, instead of retarding the action, they add to the entertainment value of the picture. The love interest is mild:—

Miss Darwell, the blind mother, leaves her home in Europe to be with her children in America. She believes that her children are successful—that Miss Trevor is a leading actress, that Miss Venable is a concert pianist, and that Dean Jagger is the owner of an automobile factory. In fact, Miss Trevor is just a chorus girl, Miss Venable is a song plugger in a music store, and Jagger is a taxicab driver. They felt that if she had known the true state of affairs she would not have accepted money from them for eye specialists. When she arrives, their problem is to make everything appear as if they were prosperous. Edward Bromberg, an eye specialist recommended by a European doctor, operates on Miss Darwell. Before the bandages are removed the children, with the help of friends, move to an expensive apartment belonging to one of the show girls. They are overjoyed when Miss Darwell tells them that she can see. Through the clever scheming of her three friends, Miss Trevor gets the leading part in the performance the night her mother is at the theatre. But Miss Darwell soon finds out what her children had done for her; she tells them that there is no need for it, that she is happy to live with them any place, and that their love and devotion are enough to make her happy.

The plot was adapted from the story "The Holy Lie" by Karin Michaelis. Frances Hyland and Saul Elkins wrote the screen play. Lewis Seiler directed it, and Sol M. Wurtzel produced it. In the cast are Alan Dinehart, Adrienne Marden, and others.

Suitable for all. Class A.

**"Pepper" with Jane Withers, Irvin S. Cobb  
and Slim Summerville**

(20th Century-Fox, Sept. 11; time, 62 min.)

This slapstick comedy is fair program entertainment, suitable for the family trade. The plot is far-fetched; but, since the action is fast, it holds one's attention pretty well throughout. It is to Jane Withers' credit that the picture is entertaining, for, in her boisterous way, she provokes many laughs by her witty remarks and bold actions. The part she portrays here is suitable to her style and will be liked by her followers. One of the funniest situations is where she collects her gang and proceeds to stop the wedding ceremony of Irvin S. Cobb's daughter to a crook. The love interest is subdued and is of little importance to the story:—

Jane, determined to raise enough money to pay for her neighbor's back rent, storms the guarded home of Irvin S. Cobb, a millionaire, and wins him

over. He provides for the rent and accepts Jane's invitation to go on a spree to Coney Island; he does this despite his doctor's warning that his weak heart could not stand the strain. His pocket is picked and he and Jane are compelled to wash stacks of dishes to pay off their meal check. They finally arrive home, tired but happy. Jane learns that Cobb is unhappy because his daughter (Muriel Robert) was going to marry Ivan Lebedoff, supposedly a Count. Summerville, Jane's uncle, recognizes Lebedoff as a crook and exposes him in time to stop the wedding. Cobb shows his gratitude by putting Jane and Summerville in business.

Jefferson Parker and Murray Roth wrote the story, and Lamar Trotti the screen play. James Tinling directed it, and John Stone produced it. In the cast are Dean Jagger, George Humbert, and others.

Suitable for all. Class A.

**"Girls' Dormitory" with Simone Simon,  
Herbert Marshall and Ruth Chatterton**

(20th Century-Fox, Aug. 14; time, 65 min.)

Fair. The action is somewhat slow. It is a story of adolescent love, handled with restraint; but the love Simone Simon shows for Herbert Marshall, eighteen years her senior, does not seem to have real depth. For that reason, the ending, which brings them together, seems forced and unbelievable. As a matter of fact, one's sympathy is entirely with Ruth Chatterton, a woman of Marshall's age, who really loved him and who would have made a better companion for him. Some of the characterizations are unbelievable; J. Edward Bromberg, in the role of a malicious, narrow-minded professor, is one such character. His actions in demanding punishment for Miss Simon are stretched too much. Marshall's role is a negative one; the spectator feels he is not showing good sense in giving up Miss Chatterton for Miss Simon. The scenes at the girls' school are fairly interesting; the comedy consists of pranks the girls play. This picture introduces Miss Simon to the American public; she has charm and considerable ability, but her accent makes her somewhat difficult to understand:—

Miss Simon is secretly in love with Marshall, the school director. Constance Collier, a repressed and bitter woman teacher, finds a love letter in the waste paper basket and brings it to Marshall. She demands that the girl who wrote it be found and punished. The letter is traced to Miss Simon; she confides in Miss Chatterton about her love for Marshall and about having written the letter to him but without intention of mailing it. Bromberg and Miss Collier demand that the girl's mother be brought to the school. Miss Simon is ashamed, and attempts to kill herself; Marshall saves her and learns of her love. He is overjoyed and plans to marry her. But when she accidentally hears that Miss Chatterton is in love with Marshall, Miss Simon pretends she does not love him and leaves the school. Marshall follows her and explains that it is she whom he loves and not Miss Chatterton. They are united.

Ladislaus Fodor wrote the story, and Gene Markey the screen play. Irving Cummings directed it; Raymond Griffith was associate producer. In the cast are Dixie Dunbar, John Qualen, and others.

Suitable for all. Class A.



I may rightly say, however, that, if Harry Warner were in New York, I am sure I would have had no difficulty in obtaining as many copies as I should need. Unfortunately he was away.

#### SCHEDULE:

The Warner-First National contract calls for fifty-four regular pictures and six westerns.

#### ADDITIONAL CLAUSES:

1. A blank space is provided so that the distributor may insert the percentage terms on which no more than four pictures shall be played, instead of the percentage written into the contract.

2. The distributor reserves the right to interchange the terms and rental of one or more features with the terms and rental of any other feature. It may interchange also theatres at which such pictures shall be played, if two or more theatres are mentioned in the contract.

3. Blank spaces are provided for the insertion of the minimum admission prices that shall be charged during the exhibition of Warner-First National features. In any event, the minimum admission prices shall not be smaller than fifteen cents.

If the exhibitor should, after his application is approved, reduce such prices, he is penalized in different ways. These ways are described in this provision.

4. If the contract holder should show a Warner-First National feature on the same bill with another feature, he breaches the contract and gives the distributor the right to apply the penalties described in provision (3) under "ADDITIONAL CLAUSES."

If an exhibitor has bought only First National pictures, he has no claim on Warner Bros. pictures. Likewise, if he has bought Warner Bros. pictures, he has no claim on any of the First National pictures.

Warner Bros. has been in the habit of delivering to some exhibitors a First National for a Warner Bros. feature, and vice versa, and the exhibitors did not know definitely their rights, except if they consulted a lawyer. This provision binds as much the distributor as the exhibitor. In other words, just as the exhibitor who bought the one company's product cannot claim any pictures from the other company's product, so the distributor—he cannot foist upon the exhibitor who bought one company's product the pictures of the other company.

There is in this, however, very little relief for the exhibitor, since the pictures are not described in the schedule and no picture becomes his until the distributor has set it for release and established its brand. Consequently, the distributor may, until he has set a picture for release, do anything he pleases with it.

8. This provision deals with the amount of money a contract holder shall pay weekly for trailers. But the information printed in *Harrison's Digest*, both in the years 1935 and 1936, proves definitely that not all exhibitors buy the Warner-First National trailers. It all depends on an exhibitor's particular situation.

9. This clause reads as follows: "Number of pictures offered: . . . . . Number licensed: . . . . ." In view of the fact that the contract of these companies contains a cancellation provision, and the exhibitor can exercise his cancellation right only if he should buy the entire product of either company, or of both companies, HARRISON'S REPORTS suggests that the exhibitor, before signing the application, insert the exact number of pictures in both blank spaces.

Like almost every other contract, these contracts, too, contain an arbitration provision; and in view of the fact that, as said in the study of the MGM contract, there is no agency, other than the courts, for settling disputes between exhibitors and distributors, each exhibitor should sign the arbitration provision. It is much better to have an arbitration board settle a dispute than the courts, for courts are expensive and take time for a case to be adjudicated.

#### MAIN CONTRACT:

EIGHTH CLAUSE: This clause deals with star and story substitutions. But since the pictures are not described in the contract, and no names of stars are given, it is meaningless, and might just as well have been omitted from the contract, saving the distributor trouble and expense, and making the contract more readable.

TENTH: Unless the distributor approves this application within fifteen days, if the exhibitor's theatre is located east

of the Mississippi river, or within thirty days, if it is located west, the exhibitor has the right to withdraw it.

ELEVENTH: This clause makes invalid all oral promises made to the exhibitor by the representative of the distributor. It is necessary, therefore, for the exhibitor to insist that the salesman put his promises into the contract; otherwise they are worthless.

It would not be so bad if that would be the only damage, but if the exhibitor should ever hold over a film for an extra day he would make himself liable under the copyright law, which decrees \$250 fine for a violation of a copyright. Showing a picture without authorization from the copyright owner is a violation of the copyright law. And each showing of the picture is a separate and distinct violation.

FIFTEENTH: This deals with the right of the exhibitor to cancel ten per cent of the pictures bought by him. But, since it is similar to the cancellation provisions in the other contracts, and since it is, as said, obscure and ambiguous, the exhibitor should read carefully what was said in the study of this clause in the other contracts.

SEVENTEENTH: This deals with pictures that may not be generally released between September 1, 1936, and August 31, 1937; they are excluded from the contract if the distributor, not later than August 15, 1937, notifies the exhibitor to that effect. But if the exhibitor should send a written notice to the distributor, not later than September 30, 1937, that he wants all such pictures, then the distributor must deliver them if he should produce them prior to August 31, 1938. The exhibitor may demand "not generally released" pictures but he cannot reject them.

TWENTY-FIRST: This clause deals with the roadshow pictures; but it is meaningless, since, as said, the pictures are not described in the contract, and a contract holder cannot claim a Warner-First National picture as his until such picture has been announced for release. The distributor may do whatever he wants to with a picture before he places it on the list for general release.

### Chesterfield and Invincible

#### SCHEDULE:

The contract calls for eighteen pictures, named, and numbered from No. 3601 to No. 3618.

The exhibitor agrees to play at least one picture every three weeks, if available, and in the order of availability.

Blank spaces are provided for the insertion of the minimum admission prices that shall be charged.

#### MAIN CONTRACT:

THIRD CLAUSE (b): The exhibitor agrees to obtain from the American Society of Authors, Composers and Publishers, a license to perform publicly any copyrighted music recorded on the sound track of the films.

FIFTH: The exhibitor agrees to pay the rental for each film at least seven days before the positive print of that film is shipped to him.

SEVENTH: The exhibitor agrees to accept a picture first run even though his contract may call for the delivery of the pictures second run or subsequent run.

In connection with this clause, read what was said about a similar clause in the study of the United Artists' contract, under "Eleventh (b)."

ELEVENTH: This clause refers to substitutions, but in view of the fact that no description of the pictures is given in the contract (other than the titles, and these the distributor has the right to change), it is meaningless and superfluous.

TWENTIETH: Unless the distributor accepts the application within a certain number of days (the contract specifies the number of days for each exchange territory), it is deemed withdrawn.

The remarks made in the study of a similar provision in the Metro-Goldwyn-Mayer contract (Clause Twenty-Sixth) are applicable here.

TWENTY-SECOND: By this clause the contract is deemed complete. No promise or representation by the salesman is binding unless it is written into the contract.

TWENTY-THIRD: If the distributor sues an exhibitor for rentals or for damages and recovers judgment, it may collect also 10% of the amount of the judgment as its reasonable counsel fees.



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## The Present Status of Protection or Clearance

Many exhibitors have written to this office, complaining against distributors for granting to competing theatres clearances and runs that are oppressive to them. Very often the protection these distributors give to a circuit has the same effect as a complete refusal to sell to them. The pictures, by the time they get them, have become stale in the minds of the theatre goers; and if the admission prices charged by such exhibitors are about the same as the prices charged by the circuit, they have little chance of filling their theatres.

It is difficult enough for an independent theatre owner to make a living when three or four major distributors give this kind of protection against him, but when all the major companies adopt the same policy, he might as well shut down his theatre.

Previously to the fifth of last month, HARRISON'S REPORTS had been advised that, combinations of distributors for the purpose of refusing to sell an exhibitor except upon such terms as to prevent his earning a livelihood constituted a violation of the anti-trust laws. The only difficulty had been the impossibility in most cases of proving that a combination, or arrangement, or agreement to accomplish this purpose was in existence. Such distributors as were charged with monopolistic practices pointed to the fact that, whereas there were eight major distributors, the complaining exhibitor was not precluded from buying the product of all of them. If he were dissatisfied with the terms offered by some of these companies, or if some of them refused to sell to him at all, he could procure enough product for his requirements from the other major distributors and from the independent market. Thus these distributors held that an exhibitor, even assuming that three or four or five major distributors combined against him, could continue in business without their product. Consequently they contended that there was no monopoly of product, nor any combination tending toward such a monopoly.

On August 5, 1936, however, Judge Merrill E. Otis, in the Federal Court at Kansas City, rendered a decision against thirteen independent exhibitors, headed by Emanuel Rolsky, in favor of Fox Midwest Theatres, Inc., and all the major distributing companies. This decision has caused much speculation as to the future of the independent exhibitors. Fortunately for them, an appeal is being taken from the decision of Judge Otis.

Some lawyers with whom I have discussed the case believe that Judge Otis, even though they have not seen the complete record, will be reversed by the Circuit Court of Appeals. They argue as follows: Judge Otis ruled that the basis of the suit was "that the contracts for the year 1935-36 gave theatres charging the same admission price priorities over other theatres charging that admission price. That is to say, to illustrate, if there were a half dozen theatres charging a given admission price in a given area, the contracts for the 1935-36 season gave to one of them the right to exhibit a given picture in advance of the others."

The plaintiffs contended that this feature of the 1935-36 contracts differed from the contracts of previous years; that it was the result of an agreement or conspiracy between the distributor defendants; and that the effect of that agreement or conspiracy was to restrain trade and free commerce in interstate commerce, in violation of the Sherman Anti-Trust Statute.

Judge Otis rested his decision, as he said, upon one issue (quoting from the decision):

"Was there a conspiracy among the defendants; was there a concerted action upon the part of the defendants; did they enter into an agreement one with another? That

issue I shall decide. It is upon that issue that all of the evidence has been offered—at least, almost all of the evidence received in the case has been offered as bearing upon that issue. The issue is a simple issue of fact. . . .

"Now, the great fact to which learned counsel for the plaintiffs points in support of the theory of the bill is that a half dozen defendant distributors in a given year entered into contracts with Fox Midwest Theatres, Inc., one of the defendants, and with other exhibitors in Kansas City, having a different feature than contracts theretofore entered into. That fact, so it is argued, the fact that suddenly, in a given year, contracts were entered into with this new and common feature—that fact suggests concerted action on the part of the distributor defendants. *There is a great deal of force in that argument, and if there were nothing else in the case, nothing else in the evidence excepting that fact, it might be sufficient to support the conclusions that there was concerted action upon the part of the distributor defendants.*" (Italics HARRISON'S REPORTS.)

He then stated that in his opinion there was a full and satisfactory explanation for this feature of the contracts; therefore it could not be said that there had been any concerted action or agreement among the distributor defendants. Again quoting from the decision:

"...The explanation given is that these contracts with this new feature, this common feature, were entered into in the 1935-36 [season], because the Fox Midwest Theatres, Inc., one of the defendants, was by far the most important local customer of the distributor defendants. Its business was worth more to them than the business of all of the plaintiffs. It demanded this new form of contract. It was to the pecuniary interest of each of the defendants to comply with that demand. . . ."

"So, I have no difficulty in reaching the conclusion that there was no conspiracy between the distributor defendants, no concert of action between them or among them resulting in these contracts that were entered into by exhibitors in 1935-36 [season], and that, as I have said, is the principal issue which the case presents. . . ."

The Judge concluded his decision as follows:

"... I think there cannot be any doubt whatever but that a distributor of motion pictures, owning a copyright upon a given picture, may sell to an exhibitor in a given area the exclusive right to exhibit that picture, either for a short period or for a long period, provided it is not longer than the life of the copyright, without regard to whether that exhibitor is one who charges the same or a different admission price from that which is charged by another exhibitor or other exhibitors in the same area."

The last quoted paragraph of the decision was, I am advised, not necessary to the determination of the case, because Judge Otis had already decided that, in his opinion, there had been no conspiracy or agreement among the defendant distributors.

The whole case was, in short, simply this: From the fact that the 1935-36 contracts of all the distributors contained the new, and uniform, protection provision, Judge Otis was prepared to rule that there had been a conspiracy or agreement between the distributor defendants; from the fact, however, that such a provision was demanded by Fox Midwest Theatres, Inc., the largest customer of the distributors, and "it was to the pecuniary interest of each of the defendants to comply with that demand," the Judge ruled that there had not been any conspiracy or even agreement among them.

(Continued on last page)



### "Three Married Men" with Roscoe Karns and Mary Brian

(Paramount, Sept. 11; time, 61½ min.)

Extremely mild program fare. It is a silly comedy, involving two small town families, who hate each other, but who are brought together by the marriage between children of their families. The story is thin and offers little to hold one's attention. There is just one situation that is fairly comical; it is that which shows William Frawley and Lynne Overman, Miss Brian's brothers, trying to dissuade Karns from marrying their sister. Most of the characters act stupidly; this is so particularly with Karns, as the blushing bridegroom, who, on his wedding night, makes an effort to appear romantic by wearing a ridiculous looking pajama outfit; he is so silly that spectators will become annoyed. As a matter of fact, when Mary Brian, the bride, becomes hysterical at the way he looks, one can sympathize with her. Her laughter brings about a quarrel and a parting of the ways. Each goes home to his respective parents. Both refuse to listen to the pleas of their families to become reconciled. But eventually they meet and each forgives the other.

Owen Davis, Jr., wrote the story, and Dorothy Parker and Alan Campbell the screen play. Eddie Buzzell directed it and Arthur Hornblow, Jr., produced it. In the cast are George Barbier, Marjorie Gateson, and others.

Suitable for all. Class A.

### "Sing, Baby, Sing" with Alice Faye and Adolphe Menjou

(20th Century-Fox, Aug. 21; time, 87 min.)

This should go over well with the masses for it has tuneful music, excellent comedy, and fast action. The Ritz Brothers, a vaudeville comedy team, literally steal the show with their boisterous clowning. And if they should not appeal to audiences, there is the true and tried comedy team of Ted Healy and Patsy Kelly, who are at their best. Miss Kelly's wisecracks should provoke hearty laughs. It is a slapstick farce, somewhat draggy in spots, but extremely comical in others. It starts off with a "bang" by introducing the Ritz Brothers at the very beginning in one of their skits, followed by a song by Miss Faye. This puts the audience in a good mood, and they are apt to make allowances for some of the shortcomings. Most of the laughs are provoked by the efforts of Gregory Ratoff to obtain publicity for Miss Faye, a singer. The excitement starts when he has her name linked with that of Adolphe Menjou, an irresponsible moving picture star who almost ruins her career:—

Ratoff finds it difficult to get radio work for Miss Faye because she is an unknown. By chance he becomes acquainted with Menjou while he is on a drunken spree, and introduces him to Miss Faye. Menjou labels Miss Faye as his "Juliet" and the newspapers play up the "Romeo and Juliet" angle, giving Miss Faye adverse publicity. Menjou's manager (Montagu Love) arrives from Hollywood to get Menjou out of what he thinks is a jam; he literally forces him to go back to Hollywood, and gives out a damaging statement regarding Miss Faye. Michael Whalen, a newspaperman who had started the stories about Miss Faye, regrets his actions and promises to clear her name. Whalen, Miss Faye, Ratoff and his assistants, pursue Menjou. They finally catch up with him, and by overpowering his manager, are able to get Menjou to a broadcasting station where he informs the world by means of the radio that Miss Faye is a fine girl. She wins a contract and accepts Whalen's marriage proposal.

Milton Sperling and Jack Yellen wrote the story, and Milton Sperling, Jack Yellen and Harry Tugend the screen play. Sidney Lanfield directed it, and B. G. DeSylva was associate producer. In the cast are Dixie Dunbar, Douglas Fowley, and others.

Suitable for all. Class A.

### "My Man Godfrey" with William Powell and Carole Lombard

(Universal, Sept. 6; running time, 93½ min.)

An excellent farce, given an extremely lavish production; it should keep audiences laughing from the beginning to the very end. Centering around an irresponsible family—a giddy mother (Alice Brady), her nit-wit daughter (Carole Lombard), and her malicious daughter (Gail Patrick), it

is a fine bit of entertainment, suitable for all types of audiences. William Powell is able, in the face of all the clowning, to make his part seem believable, awakening the spectator's sympathy. Most of the laughs are provoked by Miss Brady and by Miss Lombard, because of the silly things they say and do, and of the natural manner in which they act. The romance between Powell and Miss Lombard is the cause for much laughter:—

While out on a scavenger hunt in search of a "forgotten man," Miss Lombard, a "dizzy" society girl, finds Powell at a hobo camp at the city dumps and begs him to return with her to the hotel so that she might win the prize. He goes. When the prize is awarded, he tells the idle rich what he thinks of them. Miss Lombard asks if there is anything she can do for him; when he suggests that she give him employment she engages him as the family butler, with the understanding that he is to be known as her protegee. Because of the various peculiarities of the family, Powell feels as if he were living amongst lunatics; but he soon grows fond of them and stays on. Miss Lombard falls madly in love with him and pouts and cries because he refuses to pay attention to her. Miss Patrick, wanting to hurt Powell because of his contempt for her, tries to involve him in the theft of a necklace, but he is too clever for her. She finds out that he is a member of a wealthy Boston society family and threatens to expose him; but when he saves her father's fortune and helps the whole family she begs for forgiveness. Together with Alan Mowbray, a wealthy friend, he opens a night club on the site of the dumps, giving employment to all his former pals at the dumps. He finds that he cannot resist Miss Lombard and marries her.

Eric Hatch wrote the story, and Morris Ryskind and Eric Hatch the screen play. Gregory La Cava directed it and Charles R. Rogers produced it. In the cast are Jean Dixon, Eugene Pallette, Mischa Auer and others.

Suitable for all. Class A.

### "The Gorgeous Hussy" with Joan Crawford, Lionel Barrymore and Robert Taylor

(MGM, Aug. 28; time, 102 min.)

Very good. It should prove an excellent box-office attraction, for Metro has given it a fine production and has surrounded Miss Crawford with capable and popular players. The story is partly historical, in that the action occurs during President Jackson's administration, and President Jackson is an important character in the plot. One feels sympathy for Miss Crawford, who, because of her loyalty to her friends, is made the butt of malicious scandal; also because this loyalty leads her to give up the one real love in her life. The political unrest and methods employed by men in office should prove of interest to spectators, for a particular period in American history is covered. The character of Rachael, Jackson's wife, is portrayed by Beulah Bondi ably and sympathetically; her suffering at the hands of the society snobs touches one deeply.

In the development of the plot Peggy Eaton (Miss Crawford), daughter of an innkeeper, is deeply in love with Senator Randolph (Melvyn Douglas). She confesses her love to him, but is so deeply hurt when he spurns her that she marries Bow Timberlake (Robert Taylor), a young Navy Captain; he is ordered to leave the day after their marriage and is killed in service. Peggy finds peace in working for the election of Andrew Jackson as President, and tries hard to keep Rachael from knowing the things that were being said about her commonness. Jackson is elected, but Rachael soon dies. Peggy becomes his companion. Randolph, who had gone to Europe, returns and confesses to Peggy that he had always loved her; they decide to marry. Jackson pleads with her not to do this because he felt that she would have to shift her allegiance to Randolph, who opposed him. She heeds Jackson's advice and, instead, marries John Eaton (Franchot Tone), Secretary of War, who loved her deeply. Randolph is shot in a political quarrel, and Peggy rushes to his bedside. This creates a scandal. Jackson fights for her good name, but Peggy realizes it is useless; she induces Jackson to give her husband the post of Ambassador to Spain so that she might leave the country.

Samuel H. Adams wrote the story, Ainsworth Morgan and Stephen Morehouse Avery the screen play, Clarence Brown directed it, and Jos. L. Mankiewicz produced it. In the cast are James Stewart, Alison Skipworth, and others.

Suitable for all. Class A.



### "The General Died at Dawn" with Gary Cooper and Madeleine Carroll

(Paramount, Sept. 4; time, 97 min.)

An exciting melodrama, capably acted and intelligently directed. Primarily it is more suitable entertainment for men, for parts of it are pretty brutal. It holds one in tense suspense throughout because the lives of the leading characters are endangered from the beginning to the very end. The oriental background adds to the exciting quality of the story. Gary Cooper wins the audience's sympathy at the very beginning, for he champions the cause of the downtrodden Chinese; and his acts of bravery thereafter make him even more likeable. In spite of the fact that Madeleine Carroll's actions in tricking Cooper are despicable, one cannot help feeling sorry for her, for one knows that her actions were motivated by a desire to help her weakening father. The romance develops in an exciting fashion, with the natural misunderstanding that follows when Cooper realizes he had been tricked. The closing scenes are tensely dramatic; they show Cooper and Miss Carroll held prisoners by the murderous Chinese war lord, who plans to kill them:—

Cooper is sent on a mission to purchase ammunition for the Chinese with funds that had been collected from the peasants, to be used by them in an effort to vanquish Akim Tamiroff, the tyrannical Chinese war lord, who had visions of becoming dictator. Porter Hall, an American, stranded in China with his daughter (Miss Carroll), undertakes to steal the money from Cooper for Tamiroff. Using Miss Carroll as a bait, he lures Cooper on a train, which is held up by Tamiroff and his men. Cooper is taken a prisoner; he is chagrined to find out that Miss Carroll, whom he loved, had tricked him. Tamiroff turns the money over to Hall with the express purpose of having him purchase arms and ammunition for him; he cautions him that Cooper will not be released until these are bought. Miss Carroll, who had fallen in love with Cooper, is horrified when Hall tells her he intends to keep the money for himself. Cooper escapes and reaches Miss Carroll and her father. In a quarrel that follows he kills Hall. Tamiroff recaptures Cooper and takes him and Miss Carroll prisoners. Tamiroff is accidentally stabbed by the ammunition salesman, who had found the hiding place of the money. By a clever ruse, Cooper wins freedom for himself and Miss Carroll. They are united.

Charles G. Booth wrote the story, and Clifford Odets the screen play. Lewis Milestone directed it and William LeBaron produced it. In the cast are William Frawley, Dudley Digges, J. M. Kerrigan, and others.

Exhibitors may find it a little too brutal for children. Excellent for adults. Suitability, Class B.

### "Last of the Mohicans" with Randolph Scott and Binnie Barnes

(United Artists, Sept. 4; time, 90 min.)

This James Fenimore Cooper classic, known widely, should be enjoyed by the masses, for it is a fast-moving, exciting outdoor melodrama; it keeps the spectator in tense suspense throughout. It has human appeal, too. It is a bit gory in spots, for it shows scalplings and murders; but this is overshadowed by the acts of heroism on the part of the leading characters. There are many thrilling situations, too numerous to list separately. A situation that touches the spectator deeply is where Heather Angel, the daughter of the English Commander, leaps off a cliff to her death rather than surrender to Bruce Cabot, the murderous Huron Indian chief. The love interest is developed pleasantly. The action takes place in the year 1757:—

Major Duncan Heyward (Henry Wilcoxon), of the British Army, arrives at Albany, New York, to aid Colonel Munro (Hugh Buckler) fight the French and the Huron Indian tribe; he is in love with Alice Munro (Binnie Barnes). He persuades the Colonials to join forces with them. Hawkeye (Randolph Scott), a Scout, and his two Indian friends, Chingachgook and Uncas, refuse to fight. Nevertheless they are instrumental in saving the lives of the Colonel's two daughters when Magua (Bruce Cabot) tries to trap them. Alice falls in love with Hawkeye and persuades him to fight on the side of the English. There are many thrilling battles, but the English, being outnumbered, are compelled to

surrender. Magua, angry because the French commander would not permit the Indians to kill the remaining Englishmen, induces his tribesmen to break down the doors to Fort William Henry and kill the men, whom they scalp. The Colonel is killed, and the two girls captured. Major Heyward, together with Hawkeye and his two Indian friends, go after the girls. Uncas rescues Cora (Miss Angel); but they are followed by Magua, who wanted Cora as his squaw, who traps them at the edge of a cliff. He shoots Uncas, who falls to his death. Cora leaps to her death. Chingachgook kills Magua to avenge Uncas' death. Hawkeye offers himself to the Huron tribe for Alice's release; they accept. Alice is permitted to leave with Heyward, who had offered his life also. The Indians prepare to burn Hawkeye at the stake and start by torturing him. But the British troops arrive in time to save him. Alice tells him she loves him and will wait for his return from battle.

Philip Dunne wrote the screen play. George B. Seitz directed it, and Edward Small produced it. In the cast are Philip Reed, Willard Robertson, and others.

Suitable for all. Class A.

### "It Couldn't Have Happened" with Reginald Denny and Inez Courtney

(Invincible, Aug. 10; time, 69½ min.)

This murder mystery-comedy should prove acceptable fare for non-discriminating followers of this type of entertainment. Each of several characters is suspected of being the murderer; for this reason the spectator's attention is held until his identity is made known. The comedy is provoked by the methods Inez Courtney uses to compel Reginald Denny, a writer of mystery plays, to solve the crime. The closing scenes are fairly exciting; there Denny, at the risk of his own life, uncovers the murderer's identity. The romance between Denny and Miss Courtney is amusing:—

When the producers of Denny's play are found murdered, Miss Courtney sees a good chance for Denny to get free publicity by solving the case. Denny refuses to do this; and so Miss Courtney hits upon the idea of having Jack LaRue, a gangster suspect, compel Denny to represent him and solve the case. His investigation leads him into dangerous situations. Finally he does solve it, and re-enacts the murders in the form of a play. The murderer is caught. Denny finally proposes marriage to Miss Courtney, who had been waiting for him to do so.

Arthur T. Horman wrote the original screen play. Phil Rosen directed it, and Herbert S. Cohen supervised it. In the cast are Evelyn Brent, Hugh Marlowe, Claude King, and others.

Hardly suitable for children, adolescents, or Sundays. Adult entertainment. Class B.

### "Back to Nature" with the Jones Family

(20th Century-Fox, Sept. 18; time, 55½ min.)

This is the third in the series of the Jones family pictures; and it is the best. It is wholesome and comical family fare; it holds the interest throughout. This time the Jones family is on a vacation trip. The laughter is provoked by the inconveniences the family suffers while travelling by motor car with a trailer attachment. When they hit a bumpy road, the stove is put out of commission. Thus they are compelled to build a fire and cook their meals outdoors. One situation is extremely comical; it is where the father backs the car up, without realizing that he is at the edge of a cliff. The closing scenes are very exciting; they show the father racing in a dilapidated car, the brakes of which did not work, to stop his daughter from eloping with a criminal who, she thought, was a successful business man. Each member of the family contributes his or her share to make the picture enjoyable—the young daughter recites poetry; the son is constantly in need of money, and the younger son thinks up clever ways to make money with. There is a hominess about this picture that puts the spectator in a pleasant mood. The members of the family are all decent characters, and show good traits.

Robert Ellis and Helen Logan wrote the original screen play, based on characters by Katherine Kavanaugh. James Tilling directed it and Max Golden produced it. In the cast are Jed Prouty, Shirley Deane, Dixie Dunbar, Tony Martin, Spring Byington, and others.

Suitable for all. Class A.



This decision does not sanction among distributors conspiracies or combinations or agreements that may result in damage to an exhibitor; it merely lays down the rule that no conspiracy or agreement among distributors may properly be charged where such distributors grant protection to a big customer upon a demand of that customer.

This conclusion seems to ignore the words of Judge Moore in his charge to the jury in the famous St. Louis case. Judge Moore said:

"The purpose of the Sherman Act is to maintain free competition between individuals and corporations, and to give every one equal freedom of economic opportunity. . . . One of the main causes for the enactment of the Sherman Anti-Trust Act was to prevent the unreasonable use of vast accumulations of wealth to oppress individuals and injure the public."

Judge Otis ruled that since "the most important local customer of the distributor defendants," whose "business was worth more to them than the business of all of the plaintiffs," demanded this protection, and since "it was to the pecuniary interest of each of the defendants to comply with that demand," the charge of a conspiracy or agreement among the distributors was "fully and satisfactorily explained," regardless of the oppressive effects the protection might have upon other exhibitors, in direct contrast with Judge Moore, who charged that the Sherman Act sought to prevent just such "unreasonable use of vast accumulations of wealth to oppress individuals."

Is not Judge Otis' explanation of the non-existence of the conspiracy the very thing against which the anti-trust laws were, according to Judge Moore, aimed? And, is it reasonable to believe that a conspiracy, combination or agreement of any kind would be entered into except for the "pecuniary interest" of each of the participants? Surely Judge Otis did not intend to convey the impression that those who violate the law only for pecuniary gain should be excused, whereas those who violate the law without intending to gain anything should be punished!

In the Rolsky case Judge Otis apparently overlooked the attitude of a neighboring Federal Court, in Chicago, reflected in the consent decree entered in the suit by the United States against Balaban & Katz Corporation and other Paramount subsidiaries, enjoining them:—

"... from collusively, collectively, or by concert or agreement between them, formulating, adopting or practicing a policy—

"(b) Whereby defendant exhibitors obtain the exclusive first choice of motion pictures distributed by defendant distributors in the territory served by the Chicago Exchanges; that is to say, whereby said defendant exhibitors are permitted to contract for the exhibition of such motion pictures distributed by defendant distributors as they may deem most profitable before the same have been offered to unaffiliated exhibitors in said territory for the purpose and with the intent of preventing said unaffiliated exhibitors from obtaining said motion pictures."

These defendants were enjoined also "from collusively, collectively, or by concert or agreement: Granting to motion picture theatres owned, operated or controlled by defendant exhibitors in the territory served by the Chicago Exchanges, arbitrary or unreasonable protection or clearance over competing theatres owned, operated or controlled by unaffiliated exhibitors."

Certainly if, under the decision of Judge Otis, distributors have the right to grant protection to an affiliated exhibitor merely because he demands it, they would have the right to grant him also exclusive first choice of product and to withhold such product from unaffiliated exhibitors should he demand it; for, after all, there is, in its effect upon the independent exhibitor, little basic difference between unreasonable protection and withholding of product. It is difficult, therefore, to harmonize the Judge Otis decision with the Balaban & Katz consent decree.

Another decision, either cast aside or overlooked in the Rolsky case, was that which was rendered in the Youngclaus case, where protection by agreement among distributors was held by Judge Munger in the U. S. District Court for the District of Nebraska to be illegal. That decision was undoubtedly sound and irrefutable, for the distributors did not appeal from it. Judge Munger held:

"Whatever may be the right of the distributors separately and individually to license the exhibition of pictures by contracts giving to the licensee the exclusive right of exhibition for a period of time, a combination of distributors, such as exists here, controlling a large part of the trade in interstate commerce, to refrain from competition among themselves in making such licensing agreements with exhibitors, by agreeing that they will each grant a substantial period of protection to one exhibitor over a rival exhibitor in competitive territory, is an unreasonable restraint of interstate trade, and is condemned by the anti-trust laws of the United States.

"The plaintiff is entitled to the right to bargain with distributors who are free from a combination among themselves not to bargain with the plaintiff unless he shall consent that his rival shall have had the first opportunity to exhibit a picture."

And so HARRISON'S REPORTS says to you, the exhibitors: The decision of Judge Otis does not give distributors and affiliated circuits the unrestricted right to do as they please in the licensing of film. There are anti-trust laws and decisions that still stand as barriers against monopoly and against conspiracies, combinations or agreements to deprive you of product, or to give unreasonable protection against you. True it is that this decision, if affirmed by the United States Supreme Court, will make it difficult, if not impossible, for any one of you or for the Department of Justice to prove an unlawful conspiracy based upon a uniform plan of protection in a given area. But do not lose heart; there is great hope for a reversal.

## THE LATEST MGM REQUEST FOR CONTRACT TERM CHANGES

This paper has been requested by exhibitors to publish the following item, contained in the August 25 Bulletin of Allied Theatre Owners of the Northwest:

"Exhibitors who are customers of Metro-Goldwyn-Mayer are in receipt of the most recent of a series of 'requests' from that organization's Minneapolis office.

"This last 'request' asks that the exhibitor-customer agree to change the terms of his contract with Metro with regard to two current releases—'The Gorgeous Hussy' and 'His Brother's Wife.' If you purchase them flat, Metro wants you to agree to a percentage arrangement.

"Twice before this year Metro has come to the exhibitors with a similar request. Once they asked for an increase in the percentage terms on which they had originally sold 'Mutiny on the Bounty'; later they asked that exhibitors waive their right to certain pictures which they had bought, and accept in their stead, another, totally different, and quite inferior group of pictures.

"Metro evidently does not think very highly of the contracts it was able to negotiate last year since it has by these repeated actions so changed those contracts that the completed deal will bear not the slightest resemblance to the contract signed last year either as regards product content or terms.

"Exhibitors may use their own judgment but this office is of the opinion that Metro's latest 'request' is a sucker 'request' and that any exhibitor who does anything but toss it in the waste basket is extremely soft.

"You are entitled to these pictures on the same terms on which you purchased them—what do you think Metro would tell you if you were to make a similar request for a change in contract terms?

"S. D. KANE,  
"Executive Secretary,  
"101 Currie Avenue, North,  
"Minneapolis, Minn."

The attitude of an exhibitor in this latest MGM request will depend, I am sure, entirely upon the past attitude of MGM towards him; if MGM has granted requests for readjustments of the contract prices when he lost money with particular pictures because of the high percentage terms, he will no doubt comply with this MGM request, for he knows that, if he should refuse to comply with it, he will not have the courage to make another similar request, should he need it. On the other hand, if MGM has refused such requests, he will not comply with it.

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## An Appraisal of the 1936-37 Season's Pictures—No. 1

With the exception of Universal, no other major distributing company gives in its 1936-37 contracts the titles of any pictures, or even the stars or any other descriptive matter. This appraisal will, therefore, be founded on the literary works each company has announced in trade papers as likely to be the basis of its pictures.

### Columbia

As stated in the August 15 issue, the Columbia contract calls for a maximum of 40, or a minimum of 30, pictures in the W-4 Group, and a maximum of 16, or a minimum of 8, in the W-5 (Western) Group; also from 2 maximum to 1 minimum Capra productions, sold on a separate contract.

The following are the literary works Columbia has announced as likely to form the basis of its pictures:

"A Campus Hero": This picture was announced in the 1935-36 season under the title, "A College Hero." It is the *Saturday Evening Post* story, by Corey Ford—a college-boy picture. From fairly good to good.

"Nightingale Flies Home": A *Cosmopolitan Magazine* story, by Rupert Hughes. A domestic comedy-drama. Without radical alterations, the picture should turn out anywhere from fairly good to good, of program grade; but because music plays a great part in the story, Columbia will, in all probability, put Grace Moore in the leading part. If so, its writing staff will naturally make radical alterations, in which case the picture might turn out anywhere from good to very good.

"No Gold Medal," the *Saturday Evening Post* story, by Leonard Lee—a melodrama in which an aspiring radio broadcaster takes a prominent part: From fairly good to good program.

"Junior League," the *Saturday Evening Post* story "Pre-venter of Accidents," by Clarence Buddington Kelland—a murder melodrama. From fairly good to good program.

"Craig's Wife, the stage play, by George Kelly—a domestic drama, promised with John Boles and Rosalind Russell (already produced): Good.

"Whether or No," the *Saturday Evening Post* story, by A. H. Z. Carr—a comedy drama. Fairly good or good program.

"Death on the 8:06," the *Liberty Magazine* serial story, by Philip Wylie—a murder mystery melodrama. Fairly good or good program.

"Secret Marriage," the *Colliers' Magazine* story, by Kathleen Norris—a domestic comedy-drama. From very good to excellent.

"The Way of an Eagle," the novel by Ethel M. Dell, a war melodrama unfolding in India: Good or very good.

"She Married the Prince," the *Ladies' Home Journal* story, by Alice Duer Miller, a "fluffy" romance: Fair or fairly good program.

"Golden Honeymoon," the *Cosmopolitan Magazine* story, by Ring Lardner—a comedy-drama: A homey thing, but too weak even for a double bill, unless radical alterations are made in the plot. The characters are elderly people, and the story, as it stands, will not have any appeal to young folk—no box office appeal. From poor to fair.

"The Cavalier of Tennessee," part of the life of Andrew Jackson, President of the United States, which was written by Meredith Nicholson, and which was published in the *Cosmopolitan Magazine*. A deeply emotional drama, of excellent quality. Columbia will, however, in all likelihood abandon production of it, since "Gorgeous Hussy," the MGM picture, has been founded on the same facts.

"Birth of a Hero," the *Cosmopolitan Magazine* story, by

Alice Duer Miller—a comedy-drama of small-town aristocracy. From good to very good, higher than program grade.

"The Man Who Won the War," the *Atlantic Monthly* story, by Robert Buckner—an after the war drama, to be produced in all probability with some war scenes in the beginning: From very good to excellent.

### Metro-Goldwyn-Mayer

As stated in the August 22 issue, the MGM contract calls for a maximum of 52, or a minimum of 44, pictures, one of them to be produced abroad (in all probability in England.)

The following are the works that MGM has announced as likely to be the basis of its pictures:

"The A. B. C. Murders," the novel by Agatha Christie, a murder melodrama: Fair to fairly good.

"The American Flaggs," the novel by Kathleen Norris—a society drama: Fairly good to good.

"Anchor Man," the *Saturday Evening Post* story, by Fanny Heaslip Lea—a comedy-drama unfolding mostly aboard a U. S. battleship: Good to very good.

"As Thousands Cheer," the musical revue, by Irving Berlin and Moss Hart: Possibly very good or excellent.

"Beloved," a historical drama of the Napoleonic wars, with Greta Garbo and Charles Boyer: From very good to excellent in quality, but of lesser box-office value, if one is to judge by the reception costume pictures are given by the picture-going public.

"Bright Girl," the *Liberty Magazine* story, by Vilna Delmar—a heart-interest drama: From good to very good.

"The A. B. C. Murders," the novel by Agatha Christie, a (This story was announced last season, as well as the 1934-35 season, under the title, "Man Crazy.")

"Camille," the Alexander Dumas (son) drama, put also into opera. Greta Garbo has been announced as the star: From very good to excellent in quality, although its box office appeal may not be as great, because the story is over-familiar—it has been produced five times since 1915.

"Captains Courageous," the Rudyard Kipling novel with Freddie Bartholomew as the star—a human interest comedy-adventure: From good to very good, in quality as well as box office worth.

"A Couple of Quick Ones," the novel, by Ann Watkins—a drama: Fairly good to good.

"Declasse," the stage play, by Zoe Atkins—a drama unfolding partly in London and mainly in New York: From good to very good.

"The Devil Passes," the play by Benn W. Levy, a symbolic drama: Risky. (Announced also in the 1932-33 season.)

"The Distaff Side," the stage play by John Van Druten—a domestic comedy-drama. From fair to fairly good. With suitable alterations in plot and characterizations, for which the material lends itself, it may turn out anywhere from good to very good. (Announced also last season.)

"A Family Affair," a short story by Albert Richard Wetjam—a drama: From good to very good, if altered. Without alterations it may turn out a virile drama, but unpleasant entertainment.

"The Far-Off Hills," the stage play by Lenox Robinson—a comedy-drama: Tame program material, which may make a picture anywhere from fair to fairly good.

"The Foundry," the novel by Albert Halper, with Wallace Beery as the star—a drama unfolding in a manufacturing plant, to be produced by Hunt Stromberg: From very good

(Continued on last page)



### "They Met in a Taxi" with Chester Morris and Fay Wray

(Columbia, Sept. 1; time, 68 min.)

A pretty good comedy-melodrama. The average spectator will probably overlook the fact that the plot is far-fetched, for the action is fast. At times one is held in suspense, particularly in the closing scenes, where Chester Morris traps Henry Mollison, a crook. The melodramatic part of the story is not taken too seriously, the whole thing being treated more or less in a comedy vein. Lionel Stander, as an ex-convict cab driver, provokes many laughs by his wisecracks and his efforts to go straight. The romance is developed in a pleasant manner:—

Morris, a cab driver, is surprised when Fay Wray, dressed in a wedding gown, rushes out of a fashionable apartment house and into his taxi. Informing him that she was running away from her wealthy family who were trying to force her to marry a nobleman she did not love, she begs him for protection. Morris takes her to his apartment, and tells her that she may remain there for a few days. Through Raymond Walburn, one of his customers, a society editor, he learns that Miss Wray is not the wealthy girl she pretended to be. When he confronts her with the truth she breaks down and informs him that, while she was modeling the wedding gown in the apartment of the bride-to-be, some one suddenly discovered that a valuable pearl necklace was missing. She ran away when they tried to put the blame on her. Morris, who had fallen in love with her, believes her story and promises to clear her. With the help of Stander and Walburn, he traces the theft to Mollison, an impoverished playboy; he recovers the necklace. Miss Wray is cleared. She tells Morris she loves him.

Octavus Roy Cohen wrote the story, and Howard J. Green the screen play; Alfred E. Green directed it and Howard J. Green produced it. In the cast are Kenneth Harlan, Ann Merrill, and others.

Because of the theft some exhibitors may find it unsuitable for children; otherwise it is harmless. Good for adults. Suitability, Class B.

### "Sitting on the Moon" with Roger Pryor and Grace Bradley

(Republic, Sept. 15; time, 67½ min.)

Just a moderately entertaining program comedy with music; the story is thin and drags in spots. It may please non-discriminating audiences, the kind that enjoy light comedies with music of the popular variety; intelligent audiences will be bored. It is not the fault of the players that parts of the picture seem lifeless; the dialogue is childish and the action at times silly. The romance is developed in the routine manner, with a misunderstanding and final reconciliation:—

Roger Pryor, a successful song writer at a motion picture studio, is surprised to find Grace Bradley, a one-time star who had lost favor with studios because of an outburst of temperament, begging for a job in a chorus; she is refused. Feeling that she still has talent, he decides to help her. He sends to all producers telegrams, signing them with a well-known critic's name, suggesting that they be present at a certain cafe to hear a new singer. His intention was to write a new song and have Miss Bradley sing it. The producers find out about the hoax and leave; but Henry Kolker, a radio executive, is so impressed with her that he signs her up through Henry Wadsworth, a band leader. She becomes engaged to Pryor, and does not want to leave him. But when she learns that he, during a drunken spree, had married Joyce Compton, she leaves for New York. Pryor loses his job at the studio, and is soon without funds. He goes to New York on borrowed money to help Miss Bradley, who, as he had heard, was cheated by Wadsworth. She helps him make a comeback by singing his new song over the radio. To their joy they learn that Miss Compton had already ten husbands before Pryor had married her, and that he was, on that account, free.

Julian Field wrote the story, and Raymond L. Schrock the screen play; Ralph Staub directed it and Nat Levine produced it. In the cast are William Newell, Pert Kelton, and others.

Suitable for all. Class A.

### "Hollywood Boulevard" with John Halliday

(Paramount, Aug. 21; time, 75 min.)

Pretty good mass entertainment. The background, more than the story, is what will prove of interest to most spectators, for it takes one behind the scenes of Hollywood. The characters are seen in famous Hollywood restaurants, such as The Brown Derby, Sardi's, Trocadero, and others; also at studios. Another interesting feature is the appearance in the cast of several old-time favorites. The story itself has human appeal, which is awakened by John Halliday's efforts to retain his dignity in the face of failure. Halliday, because of his fine acting, awakens sympathy for a character that would ordinarily be an unpleasant one. The closing scenes, in which he appeals to Marsh Hunt, his daughter, for her approval of his actions, are touching. A light romance is worked into the story in an engaging way:—

Halliday, a one-time brilliant star, finds himself in the position of being without funds and begging for a part in a picture. When he is approached by C. Henry Gordon, a publisher, to write his memoirs, he is at first resentful; but when Gordon offers him \$25,000 for the story he changes his mind. He is shocked when he reads his first installment, for his writings had been distorted and been made to appear sensational; but he is compelled to continue. The story brings notoriety to his former wife (Mae Marsh) and their daughter (Miss Hunt), who lived apart from him. Miss Hunt, enraged, goes to Halliday and warns him not to mention her mother's name. It develops that Gordon's wife (Frieda Inescort) had been the other woman in Halliday's life. She tries to make Gordon stop the printing of the story but, not being able to tell him why, is unsuccessful. She goes to Halliday and in a quarrel that follows shoots him; Gordon is a witness to this. Halliday tells him that if he will stop publishing the story he will state that the shooting had been accidental. Miss Hunt returns to see Halliday and does not realize he is wounded; she had come to apologize and to get his blessings for her marriage to Robert Cummings, a screen writer. When Halliday is found unconscious, she is arrested as the last person to have been with him. But he recovers consciousness in time to clear her; he insists that it was an accident. He is happy when Miss Hunt tells him she is fond of him.

Faith Thomas wrote the story, and Marguerite Roberts the screen play; Robert Florey directed it and A. M. Botsford produced it. In the cast are Esther Ralston, Esther Dale and others.

Suitable for all. Class A.

### "Romeo and Juliet" with Norma Shearer and Leslie Howard

(MGM, Roadshow; running time, 126 min.)

This is an artistic triumph, an achievement that the motion picture industry may well be proud of. Capably acted and directed, it is high class entertainment; it should thrill students and lovers of Shakespeare, for MGM has religiously followed the original in its adaptation, even to the dialogue, which is in blank verse. This may be a drawback as far as the masses are concerned, for the intellectual dialogue will be difficult for them to follow. Otherwise, the famous love story has the ingredients for popular appeal—tragedy, romance, and excitement. The thrills are provoked by the many clashes between two families—the Capulets and the Montagues, bitter enemies, who are reconciled when they realize that their enmity had brought unhappiness and tragedy to loved members of their families. The tender romance of Romeo and Juliet is one that touches one's heart; their various meetings and protestations of love are handled with rare delicacy, making their eventual tragedy all the more poignant. There are several outstanding scenes—the balcony scene where Romeo and Juliet declare their love for each other; the scene in which Juliet cries out in fear before taking the sleeping potion; and the final scene, where the lovers die. Credit must be given to the expert acting of the cast headed by Norma Shearer, Leslie Howard, John Barrymore, and Basil Rathbone. Each actor, to the smallest role, is absolutely in the spirit of the play, making his part real and believable.

Talbot Jennings wrote the screen play, George Cukor directed it and Irving Thalberg produced it. In the cast are Edna May Oliver, C. Aubrey Smith, Andy Devine, Ralph Forbes, Reginald Denny, and others.

Suitable for all. Class A.



**"Stage Struck" with Dick Powell,  
Joan Blondell and Warren William**

(First National, Sept. 12; time 90 min.)

Just a fair backstage musical; it will probably find favor where stories of this type are liked. Neither the music nor the acting is particularly outstanding, with the exception of a comedy number by the Yacht Club Boys called "The Body Beautiful." Most of the laughs are provoked by Joan Blondell, who uses incorrect words, thinking that she was clever. The most amusing incident in the picture is where Warren William, playing upon her vanity, convinces her that her hatred for Dick Powell is really love. Powell sings a few popular numbers in his customary style. The dance ensembles are not lavish as compared to former Warner musicals:—

Miss Blondell, who had won notoriety after having shot her husband, agrees to back a musical show on condition that she be given the leading role. She is so bad that Powell, the director, insults her; because of this she withdraws her money. The show naturally closes. William, another producer also backed by Miss Blondell, enters into a contract with Powell to direct his new musical comedy. Realizing the enmity that existed between Powell and Miss Blondell, he convinces her that her hatred is really love; he begs Powell to play up to her. The show opens out of town and is a failure because of Miss Blondell's incompetence. She gets drunk on the opening night in New York, for which every one is thankful; they convince her she is too ill and send her to a hospital. They put Jeanne Madden, a young chorus girl with whom Powell had fallen in love, in the leading role. Just before the opening Miss Blondell, who had run away from the hospital, arrives and insists on going on. But everything is solved when she shoots her lover, who had quarrelled with her, and is arrested. Miss Madden scores a success; she and Powell are united.

Robert Lord wrote the story, and Tom Buckingham and Pat C. Flick the screen play. Busby Berkeley directed it and Robert Lord produced it. In the cast are Frank McHugh, Craig Reynolds, and others.

Since the shooting is enacted in a comedy vein, it is not unsuitable for children. Suitability, Class A.

**"Give Me Your Heart" with Kay Francis  
and George Brent**

(Warner, Sept. 26; time, 87 min.)

This drama should appeal to high-class audiences and at that mostly women. The theme is somewhat delicate, but it has been handled with good taste and so does not offend. It is slow-moving, for there is very little action, the story being developed mostly by dialogue. The situation where Kay Francis, who had given up her child to her lover, sees the child again after a separation of two years, stirs the emotions and brings tears to the eyes; it is the most touching scene in the picture. The fact that Miss Francis is shown having an affair with a married man in the beginning of the story tends to make her an unsympathetic character; but her eventual suffering wins the spectator's sympathy. The comedy is exceptionally well handled by Roland Young, who never appears silly:—

Miss Francis has an affair with Patrick Knowles, a titled Englishman whose wife is an invalid. She confides in Young, her best friend, that she is going to have a child. Young brings a meeting between Miss Francis and Henry Stephenson, Knowles' father, at which time the matter is thrashed out. Stephenson convinces her that, when the baby is born, she should turn it, for everyone's sake, over to Knowles. He explains to her that Knowles' wife, Frieda Inescort, knows all about it. She does this, and leaves for America. There she meets wealthy George Brent, and marries him. But her secret sorrow comes between them, bringing unhappiness to both. Young comes to her rescue again; he brings about a meeting between Miss Francis and Miss Inescort, who was visiting America with her husband and the baby. Miss Inescort shows her the baby and convinces her that she loves him as her own, that his presence had made her well again. Miss Francis is at peace finally and looks forward to a happy life with George Brent.

Jay Mallory wrote the story, and Casey Robinson the screen play. Archie L. Mayo directed it, and Robert Lord produced it. In the cast are Helen Flint and others.

Not for children or adolescents; adult entertainment. Class B.

**"Lady Be Careful" with Lew Ayres  
and Mary Carlisle**

(Paramount, Sept. 4; running time, 71 min.)

Paramount took "Sailor Beware," the filthy Broadway play by Kenyon Nicholson and Charles Knox Robinson, and, after giving it several purity baths in the three years that have elapsed since it first announced its acquisition, took out of the fount "Lady Be Careful." It is an inane comedy, the kind that makes an effort to be "smutty," but which remains pure under the penetrating eye of the voluntary censor of the industry. The basis of the story is, as altered by the Paramount writers, a bet entered into between the hero's best friend and several sailors to the effect that the hero, a shy and bashful young man, could captivate the heroine, famous for her rectitude even though she worked in a liquor joint in Panama, promising them that he will have the hero bring to them, as a proof of his (the hero's) success, the heroine's silk garter. In the play, the bet was that the hero, nicknamed "Dynamite," and known throughout the fleet boys as a lady-killer, could seduce the heroine, nicknamed "Stonewall."

There is much nonsensical action all the way through, the kind that certainly cannot add much credit to the boys of the U. S. Navy, resulting in a romance—hero and heroine fall truly in love with each other. Almost all the episodes of the play have been retained, only in a form modified to pass muster.

Lew Ayres is the hero, and Mary Carlisle the heroine, Benny Baker, Larry Crabbe, Grant Withers, and some others are in the supporting cast. The screen play was written by Dorothy Parker, Alan Campbell, and Harry Ruskin; the picture was directed by Theodore Reed, under the supervision of Benjamin Glazer.

The insinuations here and there make the picture hardly suitable for the young folk although children under twelve will not understand them. Adult entertainment. Suitability Class B.

**"Straight from the Shoulder" with  
David Holt and Ralph Bellamy**

(Paramount, Aug. 28; time, 66 min.)

Pretty good program entertainment. It has human appeal, comedy, and thrills. It is mostly to young David Holt's credit that the picture holds one's attention throughout; his natural acting is so effective that the spectator sympathizes with him in his sorrow when he learns that his father is going to remarry. One is held in tense suspense in the closing scenes where David outwits two murderers, thus saving his father's life. There are many pleasant touches in the story, such as the development of the friendship between David and Andy Clyde; also the scenes that show David and his father (Ralph Bellamy) together:—

Bellamy, a widower, and Katherine Locke, his fiancée, are unwilling witnesses to a holdup and murder. Bellamy, being a commercial artist, makes sketches of the three hold-up men. With these sketches at their disposal, the police capture one of the criminals and are on the lookout for the other two (Bert Hanlon and Noel Madison.) Hanlon, from a hiding place, shoots at Bellamy just as he is entering the court house. This so frightens Miss Locke that she insists that Bellamy and David go with her to her grandfather's (Clyde's) home in the country. David is happy in his friendship with Clyde. But when preparations are made for them all to go to town for his father's marriage to Miss Locke, David sneaks away; he disapproved of the marriage, because he felt that it would separate him from his father. Hanlon and Madison, having found the hiding place, arrive. David overhears them planning to kill his father. While they are asleep, he fills the gun barrels with grease and, when he hears that his father was nearing the hut, he rushes to warn him, but Hanlon grabs him. Madison shoots, but the gun, the barrel of which was full of grease, explodes and blinds him. Miss Locke, an expert shot, kills Hanlon. David is so impressed with her ability that he is glad she is his new mother.

The plot was adapted from the *Saturday Evening Post* story "Johnny Gets His Gun," by Lucian Cary. Madeline Ruthven wrote the screen play, Stuart Heisler directed it, and A. M. Botsford produced it. In the cast are Paul Fix and others.

Suitable for all. Class A.



to excellent in quality, with its box office value depending to a certain extent on the drawing powers of Mr. Beery.

"Frat House," the stage play by Fred Ballard and Mignon G. Eberhart—a murder melodrama unfolding in a fraternity house: From fair to fairly good.

"Gram," the *Cosmopolitan Magazine* story, by Kathleen Norris, with May Robson in the leading part—a human interest domestic drama: From fair to fairly good.

"Good-Bye, Mr. Chips," the *Atlantic Monthly* story, by James Hilton, with Charles Laughton as the star—a sentimental drama dealing with an English schoolmaster: From good to very good. (Announced also in the 1934-35 as well as in the 1935-36 season.)

"The Good Earth," the novel by Pearl S. Buck, with Paul Muni and Louise Rainer, to be directed by Sidney Franklin—a drama unfolding in China and acted by all-Chinese characters: As it stands, of great value as a piece of art, but of doubtful value as an entertainment as well as a box-office attraction. (Announced also in the 1933-34 as well as in the 1934-35 season.)

"The Harbourmaster," the novel by William McFee—a melodrama of sex and murder: MGM has considerable altering to do before it can make with this story an acceptable picture. Because it will be compelled to make radical alterations before the story will be let go through, it is hard to predict how it will turn out. As it stands, it is unsuitable material. (Announced also in the 1932-33 season.)

"I Have Married an Angel," the Hungarian play by Janos Vaszary, a fantastic comedy: A good program comedy.

"False Dreams, Farewell," the stage play by Hugh Stange—a tragedy unfolding aboard a sinking liner, with the passengers and crew going to their death singing "Nearer My God to Thee": Powerful drama but unpleasant entertainment, and of doubtful box office value if we are to judge by similar pictures produced in the past. (RKO announced it in the 1934-35 season but did not produce it.)

"The Gold Eagle Guy," the stage play by Mervin Levy—a melodrama of the Sixties: Powerful material but unpleasant entertainment. (Announced also last season.)

"Kim," the Rudyard Kipling novel, with Freddie Bartholomew as the star—an adventurous melodrama unfolding in India, and dealing partly with Hindu philosophy: From good to very good. (Announced also last season.)

"La Tendresse," a continental stage play, by Henry Bataille, with France as the locale: Drama, hardly suitable for Americans. (Announced also in the 1932-33 season.)

"Living in a Big Way," the novelette, by Louis Bromfield—a comedy of Iowa and New York City: From good to very good. (Announced also last season.)

"Lost Horizons," the stage play by Harry Segall (not the same as the Columbia Capra picture)—drama: From good to very good if the dream is eliminated and the story is allowed to unfold in a natural way.

"Love on the Run," the *Cosmopolitan Magazine* story "Beauty on the Beat," by Alan Green and Julian Brodie—an espionage melodrama: From fairly good to good, unless William Powell and Myrna Loy are given the leading parts, in which case probably very good or excellent.

"Lucky Night," the *Colliers' Magazine* story, by Oliver Claxton—a romantic adventurous comedy: From good to very good.

"Marie Antoinette," the historical drama of the French revolution, by Stefan Zweig, with Norma Shearer as the star, to be supported by Charles Laughton—powerful story material, which will undoubtedly make a deeply moving, highly artistic picture; but the fact that it is a costume play may hold some people away. Yet exhibitors cannot afford to go to sleep while showing a picture of this kind; it does credit to the industry. (Announced also in the 1933-34 and the 1934-35 seasons.)

"Maytime," the romantic musical play, by Rida Johnson Young, with Jeanette MacDonald and Nelson Eddy as the stars: Excellent. (Announced also last season.)

"Merrily We Roll Along," the stage play by Moss Hart and George S. Kaufman—a drama: From fair to fairly good, unless the material is altered considerably. (Announced also last season.)

"Nancy Stair," the novel by Eleanor McCartney Lane—a costume drama bringing in famous historical persons as characters in the story, and unfolding in the days of Robert Burns: Good or very good. (Announced also last season.)

"Night in Glengyle," the novel by John Ferguson—an espionage melodrama: From good to very good.

"No Hero," the *Saturday Evening Post* story, by J. P. Marquard, with Clark Gable as the star—an espionage melodrama: From good to very good.

"Not too Narrow, Not too Deep," the novel by Richard B. Sale—a melodrama of primitive passions and of religion: Powerful melodrama, but its box office value will depend on the popularity of the leading plays.

"Mrs. Van Kleek," the novel by Elinor Mordaunt—a sex drama. It has to be so altered before approval that it is hard to predict how it will turn out. (Announced also in the 1933-34 season.)

"Once There Was a Prisoner," the French play by Jean Zanoluih—a drama of an ex-convict: Pretty strong material—from fairly good to good.

"Parnell," the stage play, by Elsie Schaeffler (still playing in Hollywood, with Otto Kruger)—an Irish historical romance, with Clark Gable and Joan Crawford: From very good to excellent.

"Presenting Lily Mars," the novel by Booth Tarkington—a drama dealing with a temperamental actress: From good to very good. (Announced also last season.)

"Pride and Prejudice," the play by Helene Jerome (taken from Jane Austen's novel)—a sentimental comedy with Norma Shearer as the star: From very good to excellent.

"Prisoner of Zenda," the novel by Anthony Hope, a fictitious kingdom romance, with William Powell and Myrna Loy as the stars: From very good to excellent. (Announced also last season.)

"The Paradine Case," the novel by Robert Hitchens, a court-room trial murder case: From very good to excellent. (Announced also in the 1933-34 season.)

"Pitcairn's Island," the novel by James Norman Hall and Charles Nordhoff—an adventure, which is the sequel to the "Mutiny on the Bounty": Powerful but unpleasant material, which is not likely to make as good a picture as "Mutiny on the Bounty."

"Party," the stage play by Ivor Novello—a satire: From good to very good.

"Rage in Heaven," the novel by James Hilton—a drama: The material should be abandoned—poor.

"Rennie Pedigoe," the *Woman's Home Companion* story by Booth Tarkington—a drama: From fair to fairly good, unless either Norma Shearer or Joan Crawford is given the leading part, in which case it should turn out either very good or excellent. (Announced also last season.)

"Sehoy—Ahoy," the *Cosmopolitan Magazine* short story, by Clements Ripley—a sea-going melodrama: From good to very good.

"The Shining Hour," the stage play by Keith Winter—a romance-tragedy. Unpleasant story material: Fairly good. (Announced also last season.)

"Silas Marner," the novel by George Eliot—a costume drama: From good to very good in quality, its box office value depending on how costume dramas take in an exhibitor's theatre. (Announced also last season.)

"Sweethearts," the stage play by Harry B. Smith and F. DeGressac—a musical: From good to very good.

"Timberline," the biography of the founders of the *Denver Post*: Dangerous; it may draw libel suits, unless carefully edited. The picture should turn out from good to very good. (Announced also in the 1934-35 and in the 1935-36 seasons.)

"Tish," the novel by Mary Roberts Rinehart—a farce-comedy of a spinster: Good to very good. (Announced also in the 1934-35 and in the 1935-36 seasons.)

"The Transgressor," the novel by Anthony Richardson—a tragic melodrama: Fairly good to good. With Gable, it should turn out from good to very good.

"Two Thieves," the novel by Manuel Komroff—a biblical times (A.D.) story, with Clark Gable and Robert Montgomery: Material for a picture of roadshow caliber. (Announced also in the 1933-34 season.)

"The Wind and the Rain," the play by Merton Hodge—a drama: From good to very good. (Announced also last season.)

The following pictures have already been produced:

"Women Are in Trouble," with Stuart Erwin: A pretty good program comedy-melodrama, of indifferent box-office value: Reviewed on Page 126.

"Kelly the Second," with Patsy Kelly, a program comedy, of the slapstick variety, of fair box office value: Reviewed on Page 142.

"The Great Ziegfeld," a roadshow picture of great box office value: Reviewed on Page 62. (Sold on separate contract.)

"Romeo and Juliet," with Norma Shearer, Leslie Howard, and John Barrymore, a roadshow picture of great box office value: Reviewed in this week's issue. (Probably to be sold on a separate contract after its roadshowing.)



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## An Appraisal of the 1936-37 Season's Pictures—No. 2

### Paramount

As stated in the August 22 issue of HARRISON'S REPORTS, the Paramount contract calls for a maximum number of sixty-five pictures in the S-8 Group, with no minimum number stated. This number does not include the Hop-along Cassidy pictures.

The pictures are commented upon in the order of their release as much as possible:

"My American Wife," with Francis Lederer, Ann Sothorn, Fred Stone and Billie Burke, released August 7: A fine comedy of program grade, its box-office value with the different exhibitors depending on the popularity of Lederer. Reviewed in the August 15 issue.

"I'd Give My Life," with Tom Brown and Frances Drake, released August 14: A very good melodrama. Reviewed in the August 29 issue.

"Hollywood Boulevard," with John Halliday, released August 21: A good mass entertainment. Reviewed in the September 19 issue.

"Texas Rangers," with Fred MacMurray, Jean Parker and Jack Oakie, produced by King Vidor, released August 28: A glorified western, produced at a cost of a million dollars. Reviewed in the August 29 issue.

"Straight from the Shoulder," with David Holt and Ralph Bellamy, released August 28: A pretty nice program entertainment, with limited box office value. Reviewed in the September 19 issue.

"Lady Be Careful," with Lew Ayres and Mary Carlisle, released September 4: Fair. It has been founded on the sexy Broadway play, "Sailor Beware." Reviewed in the September 19 issue.

"The General Died at Dawn," with Gary Cooper, Madeleine Carroll, and Akim Tamiroff, directed by Lewis Milestone, released September 4: Excellent for first-run big-city theatres, but its reception in small towns may not be as great. Yet it is a highly artistic production.

"Wives Never Know," with Charles Ruggles and Mary Boland: A childish comedy, with hardly much entertainment value. Released September 18. Reviewed in this issue.

"Murder with Pictures," with Lew Ayres and Gail Patrick: A fair program murder melodrama. Released September 25. Reviewed in this issue.

"Valiant is the Word for Carrie," with Gladys George, who took the leading part in the famous play, "Personal Appearance": I have not yet seen it but reliable information has it as being a very powerful drama, with Miss George doing such work in it that it will bring her screen fame in addition to her stage fame.

"Big Broadcast of 1937": Nothing yet is known of this picture. Jack Benny, Burns and Allen, Benny Fields, Martha Raye, and others will appear in the cast. Scheduled for release October 9.

"Wedding Present," announced with Joan Bennett, Cary Grant and George Bancroft; it is to be founded on the *Saturday Evening Post* story by Paul Gallico. The story is only fair, and unless radical alterations are made in the plot as well as the characterizations, eliminating also the divorce, the picture may not turn out any more than fairly good.

The following works were announced in the *Work Sheet* but have not yet been scheduled for release:

"Stairs of Sand," the *McCall's Magazine* serial story, by Zane Grey, announced with Larry Crabbe, Marsha Hunt and Raymond Hatton. The action unfolds in Arizona. There is considerable action in the story, and much human appeal. Some alterations in the plot are needed. If these are made, the picture should turn out from fairly good to good. But the picture's chief value is the author's name: you should be able to determine how much this name means to your box office.

"Personal Appearance," the successful stage comedy, by Lawrence Riley, with Mae West as the star: With the story material cleansed, as it has if it is to be passed, the picture should turn out anywhere from good to very good. As to its box office worth, you should be able to determine yourself how much Mae West means to you.

"The Barrier," the Rex Beach novel, which was produced twice before, once by Metro: Excellent material, but somewhat old-fashioned for the present generation.

"Our Miss Keane," the *Saturday Evening Post* short story, by Grace Startwell Mason, promised with Virginia Weidler and Billy Lee: Nice human interest material, which should make either a fairly good or a good picture.

"The Tightwad," the *Saturday Evening Post* story by Paul Gallico, promised with Charles Ruggles as the star: Much physical action but very little sympathy for the hero. Fair or fairly good, unless the story is altered all around.

"Broadway Afternoon," the *Saturday Evening Post* short story, by Matt Taylor: Gangster type of material, consisting of only two situations. Paramount will have to create a story to be enabled to make a picture out of it. Perhaps a good gangster type of picture.

"Hard to Handle," the *Saturday Evening Post* story, by Richard Macaulay, announced with Claudette Colbert, to be directed by Wesley Ruggles: Program material, of a quality either fairly good or good, and of good or very good box office worth because of Miss Colbert's popularity.

"The Count of Luxemburg," a musical operetta by A. M. Willner and Robert Bodanzky, and music by Franz Lehár, announced with Irene Dunne, John Boles, and W. C. Fields as the stars: From good to very good, as an entertainment as well as a box office attraction.

### RKO (Radio) Pictures

As stated in the August 29 issue, the RKO contract does not limit the number of pictures that may be delivered to the contract holder, and the contract holder is obligated to accept whatever such number may be; but he may demand only the forty-six pictures RKO will number from 701 to 746. Naturally, the number of pictures RKO will deliver cannot be many more than fifty or fifty-five; the studio facilities limit it.

The following works were announced by RKO in the trade press:

"Behold the Bridegroom," the stage play by George Kelly, announced with Barbara Stanwyck and Herbert Marshall, to be produced by Bob Sisk: A story for the classes rather than for the masses, which may be made into a good picture with suitable alterations in plot as well as characterizations, but which cannot make any better than a fairly good picture without such alterations.

(Continued on last page)



### "Ramona" with Loretta Young and Don Ameche

(20th Century-Fox, Sept. 25 [1936-37]; time, 83½ min.)

Excellent. It has been produced in natural colors, which is to the picture's advantage; the color, instead of detracting one's attention from the story, adds to its value. Many of the harrowing details of Indian persecution by white men have been toned down, and several alterations have been made in the plot; these changes add to the picture's entertainment value. One is stirred deeply in the scenes that show oDn Ameche (Indian hero) pleading with a doctor to attend to his sick child. The most stirring scene, and one that brings tears to the eyes, is that in which Ameche is shown being shot down by an irate white man, who had branded him as a thief. The deep love Ameche and Loretta Young, his wife, show for each other, and the fact that she gives up luxury to be his wife, are inspiring; for this reason one sympathizes all the more with Miss Young when Ameche dies:—

Miss Young, who had been brought up in the aristocratic home of Pauline Frederick, falls in love with Ameche, an Indian. Without realizing that Robert Kent, Miss Frederick's son, loves her, she pleads with him for his help. Miss Frederick is so aroused when Miss Young tells her she loves Ameche that she divulges the facts that Miss Young is part Indian herself. Kent helps the lovers run away. They marry and live happily, making their living out of the land. In due time, a child is born to them. American settlers force the Indians, including Ameche, out of their homes and drive them out of the village on a stormy night. Ameche, his wife, and child seek shelter with Jane Darwell and her family. The baby becomes ill and Ameche goes for a doctor. But the doctor is unable to leave his fever-ridden village and instead gives him medicine for the child. Ameche stops at a farm house for a horse but when he finds no one there takes one in order to rush back to his child. The owner arrives just as Ameche sets off and follows him to Miss Darwell's home. He arrives there just as Ameche is fetching water for his child; he shoots him in cold blood, disregarding Miss Young's pleas to listen to reason. Miss Young, heartbroken at the turn of events, weeps for joy when Kent, who had been searching for her, arrives to take her and her baby back to his home.

Helen Hunt Jackson wrote the novel, and Lamar Trotti the screen play. Henry King directed it and Sol M. Wurtzel produced it. In the cast are Katharine DeMille, John Carradine, Victor Kilian and others.

Suitable for all. *Class A.*

### "Devil is a Sissy" with Freddie Bartholomew

(MGM, Sept. 18 [1935-36 release]; time, 91 min.)

Delightful entertainment, chiefly for women and children; men adults may not go for it in great numbers. Yet the producers deserve credit, for the players in the picture could not have acted more naturally than people in real life. As a matter of fact, the doings of Freddie Bartholomew and of his pals, Jackie Cooper and Mickey Rooney, are intelligent conceptions. There is plentiful comedy all the way through, and no little human interest. The scene where Mickey and Jackie go to the hospital to pay a visit to their friend Freddie, whom the doctors had in an oxygen tent frantically trying to save his life from the ravages of pneumonia, are deeply moving:—

Freddie Bartholomew's parents are divorced and he is compelled to spend six months with the one parent and six with the other. Freddie arrives at his father's home to spend his time with him and he is joyful. The father sends him to a public school in New York. Freddie has a hard time ingratiating himself with the gang headed by Mickey Rooney and Jackie Cooper. Mickey's father is electrocuted for a murder he had committed and Mickey plans to buy an eighty dollar tombstone to put over his grave. But since he hasn't the money he is determined to get it by stealing automobile tires. Freddie, however, who wants to get into their good graces, but who does not want to steal, suggests that they rob homes whose tenants are absent, telling them that it is a better idea since it involves less risk of being caught. Thus Freddie leads them to his mother's own home, and they steal his own toys, which they sell and get considerable money for a tombstone. The three boys are arrested on suspicion, but even though the judge is kindly none of them confesses, until Freddie tells the judge at last that they had stolen his own toys. Mickey and Jackie are placed on pro-

bation and they plan to run away but Freddie rises from a sick bed and follows them to the cemetery, where Mickey was paying his last respects to his father. Gangsters abduct them. The gangsters take the children to a restaurant for something to eat, and when Freddie finds out that the proprietor is French, he talks to him in French and tells him of their predicament. The Frenchman notifies the police, who soon arrive and shoot down the gangsters. The boys, however, escape. Jackie's fever rises and he faints. The two boys take him to a hospital and his father and mother are notified. His mother takes him out of the hospital when no one is looking and takes him to another. This nearly kills Freddie. But he comes through. Freddie's illness has a salutary effect upon the recalcitrant Mickey and Jackie and when Freddie becomes well the three boys, Freddie's father and Mickey's young aunt, who had been kept by a wealthy man but who had quit that kind of life when, during the court hearing, Freddie's father took her out of an embarrassing situation, all become pals.

The story is by Roland Brown; the scenario, by Lee Lahin and Richard Schayer. W. S. Van Dyke produced it under the supervision of Frank Davis. Ian Hunter takes the part of the father, and Peggy Conklin that of the aunt.

Good for the entire family. Exhibitors should exert their efforts to draw in also men adults; they will like it once they go into the theatre. *Class A.*

### "East Meets West" with George Arliss

(GB, released Oct. 1; running time, 47 min.)

This picture has been produced most lavishly, in conformity with its oriental atmosphere; but its box-office possibilities for American theatres are questionable, even with George Arliss in the leading part, because it is a costume play, and the story is about a fictitious oriental principality, the type of which does not go over so well in this country. Mr. Arliss does excellent work; and so does almost every other player. And the direction is skillful.

The story revolves around the diplomatic keenness of George Arliss, an oriental potentate, who makes every effort a patriotic man should do to keep his country from being embroiled in some future war; Japan wants privileges in his country; and so does England. But Arliss succeeds in having the representative of each country sign the proper kind of treaty, for which privilege each country agrees to pay him five million pounds, which he plans to use in improving conditions in his kingdom. Every one is satisfied, then, even his own son, who had revolted against him, because he wanted to marry the beautiful wife of a British officer, (caught smuggling liquor into the kingdom), after shooting of the husband; the father had outsmarted even his own son.

Edwin Greenwood wrote the story, Herbert Mason directed it, and Michael Bacon produced it. In the cast are Lucie Mannheim, Godfrey Tearle, Romney Brent and many others.

Suitable for the entire family. Suitability, *Class A.*

### "Wives Never Know" with Charles Ruggles, Mary Boland and Adolphe Menjou

(Paramount, Sept. 18 [1936-37 Season]; 75 min.)

An inane, silly comedy, that gets nowhere. The talents of Charles Ruggles, Mary Boland and Adolphe Menjou are wasted on such story material.

Charles Ruggles is told by Adolphe Menjou, friend of his, that he really cannot be happy since he had never made his wife jealous, and Mary Boland is told by the same friend that she really cannot be very happy since she had not had an opportunity to forgive some indiscretion of her husband's. To remedy this defect, Ruggles sets out to make his wife jealous. Thereupon he dates Vivienne Osborne, a "torch" singer, an old flame of Menjou's. When Vivienne discovers Menjou she determines to force the marriage issue between them. Thereupon she starts out to make the best of her opportunity with Ruggles. This naturally brings much strife between Mary Boland and Ruggles. But in the end everything is straightened out: Vivienne gets her Menjou and Charles and Mary become reconciled.

The story is by Keene Thompson; the screen play, by Frederick Hazlitt Brennan. Elliott Nugent directed it under the supervision of Harlan Thompson. Claude Gillingwater, Fay Holden, Louise Beavers, Purnell Pratt and others are in the supporting cast.

Harmless for young folk. Suitability, *Class A.*



### "Adventure in Manhattan" with Jean Arthur and Joel McCrea

(Columbia, Oct. 8 [1936-37]; time, 73 min.)

Good entertainment. It is a combination of mystery, comedy, and romance, all blended into a novel plot which, although somewhat far-fetched, holds one's attention throughout. It becomes exciting in the second half, when it is revealed that Reginald Owen is the master criminal. One is held in suspense not knowing what method Joel McCrea will use to expose him. The mystery angle is, however, not the major part of the picture, for it has good comedy moments and a delightful romance:—

McCrea, a newspaper reporter, excels in criminology work; by being able to predict the actions of criminals he is able to get scoops. The other reporters, annoyed by his competence, play on him a joke that involves Miss Arthur, an actress, and Owen, her manager. She leads him to believe she is in distress, accepting his help, only to disclose that it was a joke. He takes it good-naturedly, for he is attracted to Miss Arthur. He is discharged by his editor when he makes a wrong prediction about the theft of a famous diamond, for his prediction had cost the newspaper a large sum of money. As a result, he becomes extremely morbid. This worries Miss Arthur, who loves him. She takes Owen into her confidence and asks him to help McCrea, not knowing that Owen is the master criminal who had been waiting for an opportunity to dispose of McCrea. He arranges to send him to his farm with two of his henchmen. He confesses to Miss Arthur that his morbidity was just a pose to lure Owen on. His scoop wins him new laurels. Although Miss Arthur is angry that he had fooled her, she agrees to marry him.

May Edington wrote the story, and Sidney Buchman, Harry Sauber, and Jack Kirkland the screen play. Edward Ludwig directed it. In the cast are Thomas Mitchell, Victor Killian, Herman Bing, and others.

Some exhibitors may find it unsuitable because of the activities of the criminals. Good for adults. Suitability, Class B.

### "Two in a Crowd" with Joel McCrea and Joan Bennett

(Universal, Sept. 13 [1936-37]; time, 81 min.)

A fair comedy. It sags a little in spots but on the whole it is acceptable fare for those who are not too exacting in their demands. The characters portrayed by Joel McCrea and Joan Bennett are pleasant; they awaken sympathy because of their struggles. Their eventual victory against many handicaps pleases the spectator. The comedy is provoked more by the characterizations and the dialogue than by the action. The closing scenes in which McCrea's horse races are fairly exciting. Miss Bennett and McCrea ably handle the romantic interest:—

Miss Bennett and McCrea each pick up half of a thousand dollar bill that had been flung out of a window by an irate young woman, who had disapproved of her gangster friend's giving similar bills to other girls. They realize that half a bill is worthless. Since they are both poverty stricken they decide to trust each other and paste the bill together, later to change it into small bills and divide the proceeds. But McCrea appeals to Miss Bennett to pool her share with his so as to give him a chance to take a race horse, his one remaining asset from the good days, away from Andy Clyde, who had been holding it for a feed bill due him. McCrea hoped to enter the horse in an important race. Having fallen in love with him, Miss Bennett accedes to his request. They become involved with the police when the thousand dollar bill is traced to them, for it was one of the bills that had been taken in a bank holdup. They are cleared when the gangster is caught. The horse is entered and races to victory, winning a purse of \$25,000 for McCrea. Miss Bennett accepts his marriage proposal.

Lewis R. Foster wrote the story, and Mr. Foster, Doris Malloy, and Earle Snell the screen play. Alfred E. Green directed it, and E. M. Asher produced it. In the cast are Elisha Cook, Jr., Alison Skipworth, Reginald Denny, and others.

Suitable for all. Class A.

### "Sworn Enemy" with Robert Young and Florence Rice

(MGM, Sept. 11 [1936-37]; time, 72½ min.)

A pretty exciting gangster melodrama; it has plentiful comedy to relieve the tension and a pleasantly developed romance. One is held in suspense throughout, particularly after Robert Young joins the gang of racketeers for the purpose of discovering the identity of the leader. The closing scenes, where Young and Florence Rice, together with government agents, are trapped by the gangster leader, who locks them in a steam room, are extremely thrilling. The story is developed logically and the actors play their parts with conviction:—

Samuel S. Hinds, a public spirited citizen who was determined to rid the city of racketeers, is killed by gangsters. At the same time is killed Leslie Fenton, Young's brother, who had been with Hinds discussing business matters. Young is determined to avenge his brother's death. He is sworn in as a special investigator for the Government and is assigned to the job of getting evidence against the gangster leader (Joseph Calleia). He joins the gang and uses Florence Rice, his sweetheart, as his assistant. Their plans proceed smoothly until the gang discover what Young is up to. They trap him and Rice and prepare to kill them. But they are prevented from doing this by the time intervention of G-Men. Young, with the evidence that he had secured against Calleia, is able to prove the gangster's guilt in the murders and the rackets in which he was engaged. Young and Miss Rice marry.

Richard Wormser wrote the story, and Wells Root the screen play. Edwin L. Marin directed it, and Lucien Hubbard produced it. In the cast are Lewis Stone, Nat Pendleton, Harvey Stephens, and others.

Because of the gangster activities it is unsuitable for children or adolescents. Adult entertainment. Class B.

### "Don't Turn 'Em Loose" with Bruce Cabot, Lewis Stone and James Gleason

(RKO, Sept. 18 [1935-36]; time, 65 min.)

A forceful melodrama; it serves as an indictment against the inadequate parole system that now exists. At times the action is brutal, owing to the tactics used by Bruce Cabot, a hardened criminal; for this reason the picture is more suitable for men; women may be sickened and even depressed by the cold-blooded murders Cabot commits. There is no comedy to relieve the tension. The spectator is held in suspense throughout, not knowing in which way Cabot will be exposed to his family, who had thought him an engineer. One feels deep sympathy for Lewis Stone, the rather, when he learns the truth and faces Cabot, who sneers at his misery. The romantic interest is subdued:—

Father, mother, and sister adore Cabot. They have no idea that he is a vicious killer; they believed that he was an engineer. Each time he goes to prison, he sends one of his men to far-away places to send post cards to his family so that they will not become suspicious. Grace Bradley, his sweetheart, double-crosses him in order to protect herself. He is sent back to prison. By a clever trick he manages to leave the prison for a short while—just long enough to kill Miss Bradley and then return. He plants a bomb in the truck that had taken him from and to the prison so as to kill the driver and thus prevent him from talking. Stone accepts the Governor's invitation to serve on the Parole Board and is shocked to find that the criminal whom he refused to parole was none other than his own son. In order to save the family from disgrace Cabot consents to the parole on the understanding that he will leave the country. Instead he returns to his family, his purpose being to steal the payroll from a friend's office. He is followed by Gleason, a detective, who surprises him in the act of entering the office. Stone, who had suspected what Cabot had planned to do, arrives there in time to prevent Cabot from killing Gleason; instead he shoots Cabot. Gleason, realizing what a sacrifice Lewis had made, takes Cabot away, and later informs Lewis of the boy's death. Lewis does not tell his family about it.

Thomas Walsh wrote the story, and Harry Segall and Ferdinand Reyher the screen play. Ben Stoloff directed it and Robert Sisk produced it. In the cast are Louise Latimer, Betty Grable, Nella Walker, and others.

Unsuitable for children and adolescents. Adult entertainment. Class B.



"The Big Game," the *Colliers' Magazine* story "The Odds Against Honor," by Francis Wallace. It is a romance that unfolds in a college background; it deals with the efforts of racketeers to control college football. Bruce Cabot and Phil Huston have been announced for the leads. George Nicholls, Jr., is to direct it, and Pandro Berman to produce it. A fairly good or good program picture.

"Bristol the Blunderer," an *Adventure Magazine* story by Major Fielding Eliot, a Hindu frontier melodrama, with George O'Brien as the star. Although the story material is fair, it offers an opportunity for alterations that may make it into a vigorous-action melodrama. Good or very good.

"Clementina," the novel by A. E. W. Mason, announced with Robert Donat, to be produced by Edward Small. It is a costume drama, dealing with James Stuart, exiled pretender to the English throne. The story material is very good, and Robert Donat a popular actor.

"Gunga Din," the poem by Rudyard Kipling, dealing with war in India. Naturally a new story will have to be written on the bare facts given by the poem. There is, therefore, no way by which the right guess may be made regarding the quality of this picture.

"Mother Carey's Chickens," the novel by Kate Douglas Wiggin, a comedy-drama, announced with Ginger Rogers in the leading part. Anne Shirley and John Beal have been announced in the supporting cast: It is a sweet little story, which should make a picture either good or very good in quality.

"Outcasts of Poker Flat," the Bret Harte dramatic novel, to be produced by Bob Sisk. The novel offers only a basis, and the story will have to be written. In the hands of a competent writer it should turn out good.

"Quality Street," the stage play by James M. Barrie, with Katharine Hepburn as the star, to be produced by Pandro Berman. A human interest drama—from very good to excellent.

"The Robber Barons," the book by Mathew Josephson, who attempts in this book to sanctify the business ruthlessness employed by financiers famous in American history, most of them fathers or forefathers of the present American aristocracy. Edward Arnold has been announced as the star. It may be the intention of RKO to duplicate "Diamond Jim," the successful Universal picture, which was founded on a famous American historical character. From very good to excellent.

"Saint in New York," a crook melodrama, the novel by Leslie Charteris: There are too many killings, but since those killed are the vicious characters their deaths may not prove so repulsive. A gangster melodrama, either fairly good or good.

"Second Wife," the play "All the King's Men," by Fulton Oursler, with Walter Abel, Gertrude Michael, and ten-year-old Lee Van Alta. The material is very good, indeed, but the picture has turned out only fair, by reason of the fact that Walter Abel acts like a wooden Indian. In addition, the direction is poor, and the scenario work worse. (Reviewed in the August 22 issue.)

"The Son of Monte Cristo," a costume adventure story, the novel by Jules Hippolyte Lermina, which is a sequel to "Wife of Monte Cristo": Very good costume entertainment, with plentiful action. There has been some talk of putting Robert Donat in the leading part, but it has been only talk—nothing definite. Without Mr. Donat, its value will be like the value of any other good costume picture.

"The Street Girl," the story by W. Carey Wonderly, a comedy-drama, with Lily Pons as the star, to be produced by Pandro Berman (a remake—the first time it was produced by the same company, with Betty Compson): From good to very good.

"Summer Hail," the novel by Valerie Savage, with Ginger Rogers announced for the leading part, and with

Pandro Berman as the producer—it is the story of a daughter who tries to keep her father and her sister out of love troubles, at a self-sacrifice. From very good to excellent drama.

"Toinette's Philip," the serial story and novel by C. V. Jamison, with Bobby Breen as the star, to be produced by Sol Lesser: A human interest story. From very good to excellent.

"Winterset," the stage drama by Maxwell Anderson, with Burgess Meredith in the leading part, to be directed by Alfred Santel, under the production supervision of Pandro Berman: From very good to excellent.

"Without Orders," the *Colliers' Magazine* story by Peter B. Kyne, a melodrama dealing with commercial-plane flying. A fairly good program picture.

## Republic Pictures

The Republic contract offers thirty-two "Feature Productions," four "Features in Natural Colors," and eighteen western melodramas—fifty-two features in all.

Since no description of the pictures is given, this appraisal will be naturally based on the few literary works Republic has announced in the trade press:

"Army Girl," the *Red Book Magazine* story by Charles L. Clifford, a drama with barracks as the background, and military men as the chief characters. There is considerable material in the story, and a discriminating choice has to be made. With such a choice, the picture might turn out anywhere from fairly good to good; otherwise from fair to fairly good.

"The Chinese Orange Mystery," the novel by Ellery Queen, a murder-mystery melodrama. From good to very good of this type.

"The Gangs of New York," the book by Herbert Asbury, author of "Barbary Coast": This is an informal history of the New York underworld, beginning with the revolutionary days and ending with the present day. The most important exploits of the most notorious gangsters are recorded. The background is squalor and political corruption. The activities of cruel and fearless Monk Eastman, the notorious gangster, form the most prominent part of this book. There is enough material to make many gangster pictures, let alone one. With a competent author to make the choice of the best, Nat Levine should make for Republic a picture anywhere from very good to excellent, of this type.

"Ghost Town Gold," the novel by William Colt McDonald, a melodrama of the mining and cattle country. The story is different from stories of this type—full of action and unusual situations and, properly handled, it should make an action picture, with considerable human interest, anywhere from good to very good.

"Isle of Lost Men," the *Cosmopolitan Magazine* short story "Corpus Delicti," by Allan Vaughan Elston, a murder melodrama unfolding in the South Seas. It is a good story, with an O'Henry twist in it. From fairly good to good.

"Portia on Trial," the *Ladies' Home Journal* short story by Faith Baldwin, a human interest drama, with a murder twist. From good to very good.

"The President's Mystery Story": Under this title was published a story written by several prominent American authors, which story they founded on an idea furnished them by Franklin D. Roosevelt, President of the United States. The idea was as follows: Could a person, who is worth six million dollars tied up in various investments, and whose life is just beginning, but who is fed up with its hollowness, disappear so as to start a new life, without leaving any trace? The answer was given by these authors in an absorbing way. But I understand that a new story altogether has been written around the title, and rightly so, for the story didn't have good picture possibilities. Naturally it is impossible to predict how the picture will turn out.

"Swift Lightning," a dog story, the novel by James Oliver Curwood: From fair to fairly good.

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No. 40

## An Appraisal of the 1936-37 Season's Pictures—No. 3

### Twentieth Century-Fox

As stated in the August 29 issue, the Twentieth Century-Fox contract calls for a maximum of fifty-six, or a minimum of forty-five, pictures. This number includes four pictures to be produced in England; but it does not include either the four features to be founded on novels either by Harold Bell Wright or by Zane Grey, or "As You Like It," which latter picture has been produced in England, or the Will Rogers re-issues.

The following works, which are appraised as picture possibilities, were announced by Twentieth Century-Fox in the trade press:

"Death in Paradise Canyon," the novelette by Philip Wylie, a murder-mystery melodrama. Fair program story material.

"Doctor's Wives," the story by Henry and Sylva Lieferant, a drama—the story of two women who love one man, married to one of them. The man is a doctor, and the other woman his assistant. Nice material which, if properly handled, should make a picture either good or very good.

"Efficiency Edgar," the novel by Clarence Buddington Kelland, a domestic comedy, the hero's part of which fits Edward Everett Horton perfectly: Either fair or fairly good program picture.

"Fifty Roads to Town," the story by Frederick Nebel, a comedy-adventure: Either fairly good or good.

"Four Men and a Prayer," a dramatic story by David Garth, which should make a picture either good or very good.

"Girls' Dormitory," the story by Ladislaus Fodor, a romance, with Simon Simone, the little French girl, Herbert Marshall and Ruth Chatterton in the leading parts. A fair entertainment. (Reviewed in the September 5 issue.)

"Star for a Night" (announced as "The Holy Lie"), the play by Karin Michaelis, a domestic drama, announced with Jane Darwell and Claire Trevor in the leads: Either fair or fairly good program story material, for a double bill. (Reviewed in the September 5 issue.)

"Island in the Sky," the story by Leonard Lee, a comedy. Either fairly good or good program picture.

"King of the Khyber Rifles," the story by Talbot Mundy, a military melodrama unfolding in India, with Victor McLaglen in the leading part: From very good to excellent.

"Ladies in Love," the story by Fekete, a comedy drama of three girls living together in an apartment, one part of which fits Janet Gaynor well: Very good.

"The Last Slave," the story by George S. King, a slave-traffic melodrama of the olden days: From very good to excellent.

"Rings on Her Fingers," the story by Laurance Kirk, the story of a father and daughter who worked the breach-of-promise gag on innocent young wealthy men. Poor story material. It has to be rewritten.

"To Mary—with Love," with Warner Baxter, Myrna Loy, and Ian Hunter: A very good picture. (Reviewed in the August 15 issue.)

"Sing, Baby, Sing": An excellent musical comedy. (Reviewed in the September 12 issue.)

"The Road to Glory": Excellent war drama. (Reviewed in the August 15 issue.)

"Pepper," with Jane Withers, Irvin Cobb, and Slim Summerville: Fairly good slap-stick comedy, suitable for the family. (Reviewed in the September 5 issue.)

"Back to Nature," the third Jones Family picture, and the best of the three: A very good comedy. (Reviewed in the September 12 issue.)

"Ramona," with Loretta Young, a picture photographed

in natural colors: Excellent. (Reviewed September 26.)

"Charlie Chan at the Race Track": A very good murder-mystery melodrama. (Reviewed August 22.)

"Thank You, Jeeves": Fairly good. (Reviewed in this issue.)

"King of the Royal Mounted": A fair melodrama of the Canadian Northwest. Program. (Reviewed in this issue.)

### Universal

The Universal contract calls for thirty-six pictures, the titles of which are printed in it.

Among the titles of the pictures that appear in the contract, the following are identifiable:

"California Straight Ahead," the Harry Pollard and Byron Morgan story, which was produced once before (in 1925—with Reginald Denny), with excellent box office results. It is a comedy-romance and, with the improvement that has been made in production in recent years, there is no reason why Universal should not make with it a picture even better than the silent version. From very good to excellent.

"The Magnificent Brute" (announced as "A Fool for Blondes"), the *Liberty Magazine* story "Big," by Owen Francis, with Victor McLaglen in the leading part. It is a human interest drama, with a melodramatic twist in it. From very good to excellent.

"Four Days' Wonder," the A. A. Milne novel, a murder-mystery melodrama. From fair to fairly good program picture.

"The Luckiest Girl in the World," the *Ladies' Home Journal* story "Kitchen Privileges," by Annie Jordan, a romance: From good to very good.

"Melody Lady," the novel by Earl Derr Biggers, a musical romance, with the music by Jerome Kern: From good to very good.

"Roxana," the *Saturday Evening Post* story by Clarence Buddington Kelland, published also as a novel—a comedy-drama: From good to very good.

"The Son of a Champion," the novel by Jack London, a prize-fighting melodrama with much heart interest: From good to very good.

"Time Out of Mind," the Pulitzer Prize dramatic novel by Rachel Field: A very good piece of property and with proper handling it should make either an excellent or a very good picture.

"Two in a Crowd," with Joel McCrea and Joan Bennett: A fair comedy. (Reviewed in the September 26 issue.)

"My Man, Godfrey," with William Powell and Carole Lombard: An excellent farce-comedy. (Reviewed September 12.)

"Yellowstone": A fair program mystery-melodrama. (Reviewed this week.)

### THE METRO SALES POLICY FOR 1936-37

In the last few weeks this paper has received communications from many exhibitors complaining that the prices and sales terms MGM is asking of them are so unreasonable that, if they should accept them, they would not be able to make any profit. One of the letters reads as follows:

"MGM is asking exhibitors to give up the nine pictures that are still due them on last season's contracts, among them being a Garbo, a Barrymore, a Bartholomew, and others of the A-1 type. These pictures were, as you know, bought by the exhibitors in many instances on an outright

(Continued on last page)



**"Dodsworth" with Walter Huston,  
Ruth Chatterton and Mary Astor**  
(*United Artists, Sept. 23; time, 100 min.*)

Excellent entertainment for class audiences. It has been given the typical lavish and painstaking production that Samuel Goldwyn gives to all of his pictures; and it is flawlessly acted by a capable cast. But its greatest appeal will be to sophisticated people, for it is a serious drama, centering around an unusual character, an unpleasant one, in the main. One sympathizes deeply with Walter Huston, the husband, whose efforts to indulge his wife (Ruth Chatterton) bring him nothing but unhappiness. The fact that he forgives her romantic philanderings is understandable for, after twenty years of married life, he finds it difficult to cast her off. The story has been handled intelligently and with discretion. One resents, but at the same time pities, Miss Chatterton, whose emotional instability and fear of oncoming age lead her into various love affairs: the sex implications of these affairs are treated with delicacy. The ending should be satisfying to most spectators:—

Huston, a small-town millionaire automobile manufacturer, sells his business in order to live a life of leisure with his wife (Miss Chatterton). She had always hated the town they lived in and yearned for a more sophisticated Cosmopolitan existence. They set out for a European jaunt, each one with a different purpose in mind—Huston to see something of the world, and Miss Chatterton to win admiration. She becomes involved in one affair after another, all of which Huston is aware of. He pleads with her to leave for home but she refuses and he goes home alone. During his absence she becomes involved with Paul Lukas, a millionaire man-about-town. Huston, sensing that something is wrong, leaves for Europe again. He knows about her affair with Lukas but forgives her. But in a short while she is involved with another man (Gregory Gaye), who is much younger than she. When she receives a cable telling her that her daughter had given birth to a child she warns Huston not to speak of it to any one. She tells him that she wants a divorce, that she intends to marry Gaye. Huston consents to this. He travels around Europe by himself. In Italy he meets Mary Astor, a shipboard acquaintance, and accepts her invitation to stop at her villa. Their companionship ripens into love. Huston recovers some of his old-time enthusiasm. But their plans are disrupted when Huston receives a 'phone call from Miss Chatterton telling him that she had broken with Gaye and wanted to go back home. He goes to her, only to find that instead of being sorry for what she had done she is the same willful, unstable person. He leaves her for good and goes back to Miss Astor.

Sinclair Lewis wrote the novel, and Sidney Howard the screen play. William Wyler directed it; in the cast are David Niven, Maria Ouspenskaya, and others.

Unsuitable for children and adolescents. Good for adults. Class B.

**"Yellowstone" with Henry Hunter  
and Judith Barrett**

(*Universal, Aug. 30; running time, 61 min.*)

A fair program murder mystery melodrama. Yellowstone Park, with its natural wonders, is used as the background for the development of the plot. It helps considerably to hold the spectator's attention because the story itself is developed in a routine manner. As usual, several characters are suspected, and the murderer's identity is not divulged until the end. The only novelty is the peculiar manner in which the various victims die. One feels sympathy for Judith Barrett (heroine) when she learns of her father's past. The romantic interest is pleasant:—

After eighteen years separation, Miss Barrett arrives at Yellowstone Park to meet her father (Ralph Morgan). She does not know that he had spent those years in a prison on a charge of robbing a bank, and that he had arrived at Yellowstone Park to dig up the stolen fortune, which he had hidden there. Several other crooks, knowing of Morgan's mission, follow his every move. Miss Barrett is worried when Morgan does not show up after a supposed fishing trip and notifies the forest rangers. Morgan's body is found with a bullet wound; but the doctor claims that he had died by freezing to death. Henry Hunter, one of the rangers, in love with Miss Barrett, finally solves the mystery by dis-

covering the hiding place of the money. It was in a cave to which Morgan had gone; he had been followed there by the killer, who had shot him and then left him to freeze to death from natural ammonia gas fumes. Three other men are frozen to death in an attempt to take the money. Hunter is compelled to tell Miss Bartlett of her father's past; he consoles her and tells her he will take care of her the rest of her life.

Arthur Phillips wrote the story, and Jefferson Parker, Stuart Palmer, and Houston Branch the screen play. Arthur Libin directed it and Val Paul produced it. In the cast are Alan Hale, Andy Devine, Monroe Owsley, and others.

Because of the murders it is unsuitable for children. Harmless for adults. Class B.

**"King of the Royal Mounted" with  
Robert Kent and Rosalind Keith**

(*20th Century-Fox, Sept. 11; time, 58 min.*)

A routine action melodrama; it is pretty slow in getting started and lags considerably during the first half. Most of the action is concentrated in the closing scenes, where Robert Kent, of the Royal Mounted, goes after and gets his man. The fist fight, which takes place at the top of a cliff and which leads the fighters perilously close to the edge, provides the most excitement in the picture. The plot is not particularly novel, nor has much imagination been used in its development; the outcome is quite obvious.

Zane Grey wrote the story, and Earle Snell and Don Swift the screen play. Howard Bretherton directed it and Sol Lesser produced it. Arthur Loft, Grady Sutton, and others are in the cast.

Suitable for all. Suitability, Class A.

**"Bulldog Edition" with Ray Walker,  
Evalyn Knapp and Regis Toomey**

(*Republic, Sept. 20; running time, 67 min.*)

A fairly melodramatic yarn, revolving around newspaper reporters and gangsters. There is fast action, as a result of which one's interest is retained to the end. The story concerns itself mostly with two rival papers and their efforts to gain circulation.

*The Daily News* was getting away with scoops so often that its circulation jumped to a corresponding degree that the circulation of the *Post* fell. But once *The Daily News* "flunked"; it was when it printed a story that Enright, a notorious gangster, was convicted when the *Post*, twenty minutes later, came out with an edition stating that the gangster had been acquitted. Randy Burns (Evalyn Knapp), cartoonist on *The Daily News*, prints cartoons of Enright. This enrages him. However hard he tries to have the cartoons discontinued, he is unsuccessful, until he conceives an idea to kill the circulation of *The Daily News*. Making an agreement with the circulation manager of the *Post*, he begins wrecking the stands of those who handled *The Daily News*, and burns the trucks carrying that paper. Ken Dwyer (Regis Toomey), managing editor of *The Daily News*, rouses the Grand Jury into action but this results only in sending Randy to jail, because she refused to divulge information in her possession. While in jail she comes in contact with Enright's moll, and she draws a cartoon of her for the *News*. In a fight that ensues as a result of the gang's failure to burn up the issues of the *News* with the moll's cartoon in, a driver is shot and killed. Because Randy, who was out of jail then, had seen the killing, Enright's gang abduct her and take her to his headquarters. Ken discovers the tie up between Johnson, the circulation manager of the *Post*, and the gangsters and threatens to print a story about it. Johnson, sick of the whole thing, advises Ken to go to the Seville Club where he may find out how Enright had obtained his acquittal. There Ken finds the Judge in Enright's place getting his payoff. He is discovered and made a captive. He and Randy are about to be shot when the police arrive and rescue them.

The story is by Richard English; the scenario, by Mr. English and Karen DeWolf. The picture was directed by Charles Lamont, under the supervision of Sol C. Siegel. Billy Newell, Oscar Apfel, Betty Compson, Robert Warwick and others are in the cast.

An adult picture. Suitability, Class B.



### **"In His Steps" with Eric Linden and Cecilia Parker**

(Grand National, Sept. 22; time, 77½ min.)

Good mass entertainment. It has a religious message, which is developed by the actions of the different characters instead of by preaching. The story has human appeal and comedy, and it holds one's attention throughout. Eric Linden (hero) and Cecilia Parker (heroine) awaken deep sympathy by their efforts to find happiness and to lead a simple existence. There are several deeply touching situations; the court room scenes, where the young couple plead for a chance to lead their own lives without parental interference, are the most appealing. The comedy touches are good and never seem forced, particularly in the scenes that show Miss Parker, who had been brought up in a luxurious home, trying to cook dinner under trying circumstances. The motivation is faulty, but the picture should give satisfaction because of its simple and homespun atmosphere:—

Linden and Miss Parker elope when their parents, who had quarreled because of business matters, refuse to give their consent to the marriage. Being under age, they swear to a false marriage certificate. They go to the farm of an old preacher friend (Roger Imhof), where they are married, only to find out that Miss Parker's parent had sworn out a warrant for Linden's arrest on the charge of abduction and of swearing to a false marriage certificate. Imhof and his wife insist that the young couple stay with them until things quiet down. Harry Beresford, a deeply religious man, in order to relieve the suffering of Miss Parker's mother who thought her daughter dead, informs her that the girl is well; but he refuses to tell where they are hiding. The girl's parents order his arrest. Linden and Parker, unwilling to see Beresford suffer, give themselves up. At the trial, Miss Parker's mother insists that Linden be sent to prison. Called before the bench, the young couple make so appealing a plea before the Judge, that their parents break down. The charges are withdrawn and the young couple permitted to go back to their simple farm home. Linden's father decides to give up the ruthless methods by which he earned his fortune and to retire from business.

Charles M. Sheldon wrote the story, and Karl Brown and Hinton Smith the screen play. Karl Brown directed it and B. F. Zeidman produced it. In the cast are Clara Blandick, Olive Tell, Henry Kolker, and others.

Suitable for all. Class A.

### **"Murder with Pictures" with Lew Ayres and Gail Patrick**

(Paramount, Sept. 25 [1936-37 Season]; 71 min.)

As the title indicates, "Murder with Pictures" is a murder melodrama; and although considerable money has been expended in its production, it has not turned out to be more than an average, well-dressed, program picture. There are so many complications, that most of the time one is confused.

The murder that gives rise to the action occurs when the murdered man, a lawyer, is being photographed by newspaper photographers, surrounded by reporters, immediately after he had succeeded in obtaining the acquittal of a gangster leader, who had been tried for murder; while the flashlights go off, the lawyer falls to the ground and is found dead. The police, then, set out to find the murderer; but according to this picture they are so stupid that it devolves upon an ace newspaper reporter to go after the criminal or criminals so as to bring them to justice. A young woman is involved in the case, and the police at first think the murderer is she; but before the story is over they have to change their opinions about her and ask her cooperation. A photograph taken by one of the cameramen reveals the murderer toward the end; he was "shooting" a camera and had done the killing by a gun fitted with a silencer.

The story is by George Harmon Cox; the screen play by John C. Moffit and Sidney Salkow. Charles Barton directed it, and A. M. Botsford produced it. Joyce Compton, Paul Kelly, Onslow Stevens, Ernest Cossart, Anthony Nace, Benny Baker and others are in the cast.

Although the National Legion of Decency has placed it on the Class A list (suitable for the family), I would not recommend it for children and even many sensitive adolescents. It is a picture for adults, chiefly men. Class B.

### **"The Man Who Lived Again"**

(GB, Sept. 15; running time, 66 min.)

This is a shudder picture, the kind which Universal used to make and which it has abandoned because there is now very little demand for them. There is nothing wrong with the production part of it—it is well directed and acted, the sets are magnificent, and the photography sharp and consequently pleasant to the eye. Only that it deals with horror matters.

This time Karloff, again a scientist, transplants the soul of one person to the body of another person, thus transmitting the characteristics of the one person to the other. At a meeting of scientists, where Karloff was asked to explain his method, he was laughed at as a charlatan. His backer, a lord, withdraws his support and orders him to leave his laboratory. Enraged at the insult, Karloff traps the lord and proceeds to instill in him the characteristics of his assistant, a cripple in body and mind. Later he decides to make another transfer—instill the new characteristics of the lord to the lord's son, who is engaged to the heroine, Karloff's secretary. But the heroine reaches the laboratory in time to spoil Karloff's plans. Karloff falls out of the window to the pavement below and dies.

The story is by L. du Garde Peach, Sidney Gilliat and J. L. Balderston; the direction, by Robert Stevenson. Anna Lee and John Loder are in the supporting cast. The picture was produced in England.

Not for children or sensitive adolescents; it is suitable mainly for men adults. No sex matters are treated, but the followers of some religions may not like the idea of a scientist's doing the work that is, as they believe, only God's. Suitability, Class B.

### **"Thank You, Jeeves" with Arthur Treacher and David Niven**

(20th Century-Fox, Oct. 2; time, 56½ min.)

A fairly enjoyable program comedy. It has quite a British flavor; but this should not be objectionable as far as American audiences are concerned since the action is fast and, at times, quite exciting. Another thing in its favor is the excellent acting and team work on the part of Arthur Treacher and David Niven, as valet and master, respectively. The manner in which Treacher attempts to keep Niven out of romantic escapades should provoke much laughter. The most exciting part of the picture is the encounter between Treacher, Niven, and the crooks in the closing scenes. There valet and master outwit and overpower a whole gang of criminals, who were out to steal important plans from Virginia Field (heroine). The story is far-fetched; but this does not matter since it is played in a comedy vein throughout:—

Treacher, faithful valet to Niven, is constantly getting his master out of scrapes. He is annoyed when Niven shows signs of becoming interested in Miss Fields, a strange young woman who had come to Niven's home pretending to know him and seeking shelter for a night. She leaves during the night, much to Niven's disgust. He follows her to an inn where he knew she was going; he is accompanied by the ever-faithful Treacher. Believing the story told to him by a gang of crooks who were seeking important plans held by Miss Fields, Niven thinks that she is a crook. He urges her to change her mode of living, and compels her to turn over the plans, only to find out what a silly thing he had done. He realizes that he must get the plans back for her and so, with Treacher's assistance and fistic ability, he overpowers the gang and recovers the plans. The police arrive in time to capture the gang. Miss Fields and Niven, having fallen in love with each other, decide to marry.

P. G. Wodehouse wrote the story, and Joseph Hoffman and Steven Gross the screen play. Arthur G. Collins directed it and Sol M. Wurtzel produced it. Willie Best and others are in the cast.

Suitable for all. Class A.

### **"East Meets West" with George Arliss**

(Gaumont-British, Oct. 1; running time, 74 min.)

The running time for this picture was erroneously given in the September 26 issue as 47 minutes. The correct time is 74 minutes.



sale basis, and some on a 25-30% basis; the sales at 35% were exceptions. If the exhibitors should sign the Rider and release these pictures to Metro, they would no doubt have to pay higher prices for them on or after September of this year, in spite of the fact that the contract for the 1936-37 season calls for 6 pictures at 30%, 6 at 35%, and 4 at 40%.

"In my opinion, this is outlandish and the exhibitors of the United States should do something about it."

Another exhibitor has written this paper as follows:

"Metro has presented us with the following deal: Four pictures at 40%, twelve pictures at a guarantee equal to the average on what was paid on last season's pictures, and sixteen pictures at 70% of such averages; the remaining pictures at program prices.

"We have analyzed our situation very thoroughly and we are of the opinion that, if we accepted such a deal, we would not make any money for ourselves for this reason: in order for us to break even, we would have to give this distributor all Sunday dates. This would compel us to shove the specials of the other companies to week days, during which days we could not earn our rentals. Certain of the MGM pictures would not prove suitable for Sunday showing, and if we should put them on Saturdays the grosses would not warrant the high terms MGM is demanding.

"Another reason that leads us to believe that such a deal would prove disastrous is this: with the best pictures on the best days of the week, to enable us to break even, the weaker days of the week—Monday, Tuesday, and Wednesday—would turn into poorer days yet, for a great deal of the normal trade of these days would be drawn on Saturdays and Sundays.

"We would thank you if you should let us know what effect Metro's selling policy is going to have on the selling policies of the other major companies."

The other letters read in the same vein; the writers complain against the unreasonable terms, and state that they will not sign such deals, for they feel that, if they should sign them, they would go bankrupt.

The Rider MGM has sent to the 1935-36 accounts for signature calls for the release of the following pictures: Bccry No. 2 (629); Lionel Barrymore No. 3 (632); Crawford No. 1 (633); Garbo No. 2 (639); Powell No. 1 (648); Shearer No. 1 (649); Gable-Crawford (654); Bartholomew (656); Montgomery-Loy (658).

MGM's request of the exhibitors to sign a release of a season's features is the second this year. The first one was made early in February. But that was for a mere swap; and although the swap was not advantageous to the exhibitors, HARRISON'S REPORTS suggested that all exhibitors concerned sign the Rider so that a spirit of cooperation might be shown by them. Besides, the excuse given was reasonable: the company wanted to catch up with its releases, and do away with the overlapping of seasons. The present request, however, is altogether unreasonable and HARRISON'S REPORTS cannot recommend to the exhibitors to sign the Rider when the loss the MGM customers will suffer will be so great.

The excuse the MGM salesmen give, according to one of the letters, is that the untimely death of Irving Thalberg makes certain changes in the production schedule necessary. If the death of Mr. Thalberg makes changes in the production schedule necessary, such changes must be made in the interests of those exhibitors who have already bought the 1936-37 product of this company, for an MGM capable producer has been removed thereby, affecting the quality of some of the MGM product—the top-notch product. With the big Thalberg pictures the exhibitor expected from MGM missing, the MGM product certainly cannot be worth, at least for the time being, as much.

The exhibitor asks in his letter what will be the effect of the MGM sales policy on the other producers. In my opinion, if you should accept so harsh terms the other producers will try to demand as much. Then the vicious circle will start, each producer trying to outdo the other in harshness of terms.

This paper invites you to send in your comment on this important question. Lack of space may make it impossible for me to publish the comments sent in by all the writers, but at least they will enable me to present to the industry your feelings in the matter.

## GRAND NATIONAL'S SALES POLICY

One other matter HARRISON'S REPORTS feels compelled to treat without delay is the sales policy of Grand National. An exhibitor has written to this paper as follows:

"Grand National has the unmitigated nerve to ask the following terms for its pictures:

"(1) Thirty-five per cent for 'Snow Covered Wagons,' even though its executives do not know who is going to be in the leading parts, asking for such a percentage merely because it is in natural colors. Imagine it: an independent who hasn't done a thing yet asking such a percentage of the gross receipts! Some nerve!

"(2) Six pictures at 30%, two of which will be with Cagney; the other four they know nothing about.

"(3) Five pictures at 25%; but they don't know who is going to be in any of them yet.

"(4) For the balance of the program they want as much as MGM is asking for the pictures of its lower classifications.

"As you know, many of the sales executives and salesmen are former Warner employees and naturally know what prices the Cagney pictures were commanding. The Cagney pictures were first sold to the exhibitors at reasonable prices. Later 25% was demanded. One picture sold at 30%. This makes the Grand National men feel that their two Cagney pictures are entitled to a similar percentage; they believe that they will make the Cagney pictures as big as were those that were produced by the Warners."

HARRISON'S REPORTS was ready to boost Grand National along with Republic as well as Chesterfield-Invincible, because it felt that, the greater the number of successful independent producer-distributors the better for the independent exhibitors. But it cannot subscribe to the sales policy instituted by this company.

Let us analyze the Grand National facts:

(1) The picture "Snow Covered Wagons" will be produced by the Hirliman color process. Nobody yet knows how good or how bad this process is, for the reason that no picture has yet been released, to my knowledge, colored with this process. We must see the picture first before we can determine its box office value. All I know is that the processes that have been in the market for a long time had to go through many trying periods before being brought to the present stage of comparative perfection.

(2) If the Grand National executives feel that their Cagney pictures will be as good as those made by Warner Bros. they should sell them on a separate contract. Saddling these pictures with four others, on the same percentage, brings the comparative percentage on the Cagney pictures to more, in my opinion, than 75%.

Perhaps the Grand National executives intend to put in this classification some of the musical pictures Boris Petroff is going to produce for Grand National. If so, let us analyze Petroff's statements in the trade paper advertisements to determine whether they are or they are not worth such a percentage:

The advertisement that was inserted in the trade papers around the latter part of August states as follows: "Boris Petroff... Director of Mae West Pictures for Paramount."

The following are the Mae West pictures that have so far been released by Paramount, and the names of those who directed them:

"She Done Him Wrong," directed by Lowell Sherman.

"Klondike Annie," directed by Raoul Walsh.

"Goin' to Town," directed by Alexander Hall.

"I'm No Angel," directed by Wesley Ruggles.

"Belle of the Nineties," directed by Leo McCarey.

Thus you will see that Boris Petroff has not directed any of the Mae West pictures, his statement in the advertisement to the contrary notwithstanding.

(3) Twenty-five per cent for five pictures of unknown producers when Grand National is just starting and hoping to make a place for itself in the motion picture industry is too much for their own good when one remembers how opposed are to percentage deals those among whom Grand National expects to sell its product mostly.

(4) Asking for its lowest classification pictures prices that are demanded by a first-rate major company for its lowest classification, when the pictures of that major company will be cast with some players who have some popularity is, to say the least, a little bold.

HARRISON'S REPORTS is a friend of Grand National, just as it is of every other independent producer-distributor, and a well wisher of it. But its sales forces must abandon their high notions. By demanding such terms they are creating a sales resistance that will be hard to overcome in later years. Above all, they must forego making overstatements in their trade paper advertisements.

## HARRISON'S REPORTS

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## RELEASE SCHEDULE FOR FEATURES

## Chesterfield Features

(1540 Broadway, New York, N. Y.)

Lady Luck—Fair-Bakewell	July 10
(End of Season)	

## Beginning of 1936-37 Season

Missing Girl—Pryor-Evans	Sept. 15
House of Secrets—Fenton-Blackmer	Oct. 20

## Columbia Features

(729 Seventh Ave., New York, N. Y.)

6032 Trapped by Television—Astor-Talbot	June 15
6026 The Final Hour—Bellamy-Churchill	July 7
6029 Blackmailer—Gargan-Rice	July 10
6030 Shakedown—Ayres-Perry	July 17
6018 Meet Nero Wolfe—Arnold-Perry	Aug. 1
6031 Two-Fisted Gentleman—Dunn-Clayworth	Aug. 15
6022 They Met in a Taxi—Morris-Wray	Sept. 1
6019 End of the Trail—Jack Holt (72 min.)	Sept. 19
6038 Alibi for Murder—Gargan-Churchill	Sept. 23
6039 Killer at Large—Brian-Hardie	Oct. 1
Tugboat Princess—Kelly-Fellowes	Oct. 15

(End of 1935-36 Season)

## Beginning of 1936-37 Season

7020 Man Who Lived Twice—Bellamy-Marsh	Sept. 25
7007 Craig's Wife—Boles-Russell	Sept. 25
7008 Adventure in Manhattan—Arthur-McCrea	Oct. 8
Pennies from Heaven—Bing Crosby	Oct. 25

## First National Features

(321 W. 44th St., New York, N. Y.)

955 Hearts Divided—Davies-Powell	June 20
951 The White Angel—Francis-Hunter	July 4
977 Two Against the World—Bogart-Dodd	July 11
962 Earthworm Tractors—Joe E. Brown	July 18
965 Case of the Velvet Claws—William-Dodd	Aug. 15
960 China Clipper—O'Brien-Roberts-Alexander	Aug. 22
975 Love Begins at Twenty—Herbert-Ellis	Aug. 22
979 Trailin' West—Dick Foran (56 min.)	Sept. 5

## Beginning of 1936-37 Season

155 Stage Struck—Powell-Biondell-McHugh	Sept. 12
177 Down the Stretch—Ellis-Rooney	Sept. 19
169 The Tattler—Alexander-Farrell	Oct. 24
167 The Captain's Kid—Jason-Kibbee	Oct. 31

## Gaumont British Features

(1600 Broadway, New York, N. Y.)

Secret Agent—P. Lorre-M. Carroll-R. Young	June 15
Seven Sinners (Doomed Cargo)—Lowe-Cummings	Aug. 15
East Meets West—George Arliss	Sept. 1
The Man Who Lived Again—Boris Karloff	Sept. 15
("Nine Days a Queen" has been taken from the 1935-36 schedule and will now be released as a 1936-37 picture)	

(End of Season)

## Beginning of 1936-37 Season

Nine Days a Queen—Nova Pilbeam	Sept. 1
Everything is Thunder—Bennett-Montgomery	Sept. 1

## Grand National Features

(1270 Sixth Ave., New York, N. Y.)

In His Steps—Eric Linden-Cecilia Parker	Sept. 22
Devil on Horseback—Damita-Keating (reset)	Sept. 29
White Legion—Ian Keith-Tala Birell (reset)	Sept. 29
Yellow Cargo—Conrad Nagel (reset)	Oct. 6
Captain Calamity—Geo. Houston-Marian Nixon	Oct. 13
Song of the Gringo—Tex Ritter	Oct. 27

## Invincible Features

(1540 Broadway, New York, N. Y.)

Easy Money—Stevens-Linaker	June 15
It Couldn't Have Happened—Denny-Brent	Aug. 10
(End of Season)	

## Beginning of 1936-37 Season

Illis Island—Donald Cook	Nov. 4
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## Metro-Goldwyn-Mayer Features

(1540 Broadway, New York, N. Y.)

518 Suzy—Jean Harlow-Franchot Tone ..... July 24  
(End of 1934-35 Season)

### 1935-36 Season

No release set for ..... June 19  
636 San Francisco—Gable-MacDonald ..... June 26  
626 We Went to College—Merkel-Abel ..... July 3  
631 The Devil Doll—L. Barrymore ..... July 10  
No release set for ..... July 17  
657 His Brother's Wife—Stanwyck-Taylor ..... Aug. 17  
655 Piccadilly Jim—Montgomery-Evans ..... Aug. 14  
633 The Gorgeous Hussy—Crawford-Tone ..... Aug. 28  
656 The Devil is a Sissy—Bartholomew ..... Sept. 18  
629 Old Hutch—Beery-Parker-Linden ..... Sept. 25  
648 Libeled Lady—Harlow-Powell-Loy-Tracy ... Oct. 9  
654 Love on the Run—Gable-Crawford ..... Oct. 23  
639 Camille—Garbo-Taylor-L. Barrymore ..... Nov. 27

### Beginning of 1936-37 Season

701 Women Are Trouble—Erwin-Rice-Kelly ..... July 31  
702 Kelly the Second—Kelly-Chase ..... Aug. 21  
700 The Great Ziegfeld—Powell-Rainer-Loy .... Sept. 4  
703 Sworn Enemy—Young-Rice-Calleia ..... Sept. 11  
704 The Longest Night—Young-Rice-Healy ..... Oct. 2  
705 All American Chump—Erwin-Armstrong .... Oct. 16  
706 April Blossoms—Tauber-Baxter (English) ... Oct. 23  
707 Mr. Cinderella—Haley-Furness-Treacher .... Oct. 30  
708 White Dragon—Lowe-Landi ..... Nov. 6  
709 Born to Dance—Powell-Stewart-Bruce ..... Nov. 13  
710 Our Relations—Laurel-Hardy ..... Nov. 20

## Paramount Features

(1501 Broadway, New York, N. Y.)

3568 Spendthrift—Fonda-Patterson ..... July 10  
3565 Three Cheers for Love—Whitney ..... July 17  
3567 Heart of the West—William Boyd ..... July 24  
3571 Yours for the Asking—Raft-Barrymore ..... July 24  
3569 Rhythm on the Range—Bing Crosby ..... July 31  
3573 A Son Comes Home—Boland-Hayden ..... July 31  
(End of Season)

### Beginning of 1936-37 Season

3601 My American Wife—Lederer-Sothorn ..... Aug. 7  
3602 I'd Give My Life—Brown-Standing-Drake .. Aug. 14  
3603 Hollywood Boulevard—Halliday-Hunt ..... Aug. 21  
3604 Texas Rangers—MacMurray-Oakie-Parker .. Aug. 28  
3605 Straight from the Shoulder—R. Bellamy .... Aug. 28  
3606 Lady Be Careful—Ayres-Carlisle-Baker .... Sept. 4  
3607 General Died at Dawn—Cooper-Carroll .... Sept. 4  
3608 Three Married Men—Overman-Karns-Brian .. Sept. 11  
3609 Wives Never Know—Ruggles-Boland ..... Sept. 18  
3610 Murder with Pictures—Ayres-Patrick ..... Sept. 25  
3611 Valiant is the Word for Carrie—  
Gladys George-John Howard ..... Oct. 2  
3612 Big Broadcast of 1937—Burns-Allen ..... Oct. 9  
3613 Wedding Present—J. Bennett-Grant ..... Oct. 16  
Hopalong Cassidy Returns—Wm. Boyd ..... Oct. 16  
Accusing Finger—Kelly-Taylor-Hunt ..... Oct. 23  
Rose Bowl—Brown-Whitney-Crabbe ..... Oct. 30

## Republic Features

(1776 Broadway, New York, N. Y.)

3516 Navy Born—Wm. Gargan-C. Dodd ..... June 15  
3573 Guns and Guitars—Autry (58½ min.) ..... June 22  
3508 Ticket to Paradise—Roger Pryor ..... July 10  
3503 Gentleman from Louisiana—Quillan ..... Aug. 17  
3528 Sitting on the Moon—Pryor-Bradley ..... Sept. 15  
3510 Michael O'Halloran—Not yet cast.... Rel. date post.  
(End of 1935-36 Season)

### Beginning of 1936-37 Season

6008 Hearts in Bondage—Dunn-Henry ..... Aug. 15  
6303 Oh, Susannah—Gene Autry (64 min.) ..... Aug. 19  
6009 Down to the Sea—Lyons-Hardie ..... Aug. 25  
6001 Follow Your Heart—Talley-Bartlett ..... Sept. 5  
6311 Three Mesquiteers—Livingston (58m) (re) .. Sept. 21  
6032 Bulldog Edition—Walker-Knapp ..... Sept. 21  
6321 Undercover Man—J. M. Brown (55 min.) .. Sept. 24  
President's Mystery—Wilcoxon-Furness .... Oct. 8  
6331 Cavalry—Bob Steele ..... Oct. 14  
6312 Ghost Town Gold—Livingston ..... Oct. 26  
Country Gentlemen—Olsen-Johnson ..... Nov. 9

## RKO Features

(1270 Sixth Ave., New York, N. Y.)

630 Bunker Bean—Davis-Latimer ..... June 26  
631 The Bride Walks Out—Stanwyck-Raymond.. July 10  
632 M'Liss—Shirley-Beal ..... July 17  
633 Grand Jury—Stone-Davis ..... Aug. 7  
635 Second Wife—Michael-Abel ..... Aug. 21  
634 Mary of Scotland—Hepburn-March ..... Aug. 28  
637 Swing Time—Rogers-Astaire ..... Sept. 4  
638 Walking on Air—Sothorn-Raymond ..... Sept. 11  
636 Don't Turn 'Em Loose—Cabot-Stone ..... Sept. 18

(More to come)

### Beginning of 1936-37 Season

701 Mummy's Boys—Wheeler-Woolsey ..... Oct. 2

## Twentieth Century-Fox Features

(444 W. 56th St., New York, N. Y.)

### Beginning of 1936-37 Season

701 To Mary-With Love—Loy-Baxter (92 m.) .. Aug. 1  
704 Charlie Chan at the Race Track—Oland .... Aug. 7  
766 State Fair—Reissue with Will Rogers..... Aug. 7  
702 Girls' Dormitory—Marshall-Chatterton..... Aug. 14  
703 Sing, Baby, Sing—Faye-Menjou ..... Aug. 21  
705 Star for a Night (The Holy Lie)—Trevor... Aug. 28  
706 The Road to Glory—March-Baxter ..... Sept. 4  
708 Pepper—Withers-Irvin S. Cobb ..... Sept. 11  
709 King of the Royal Mounted—Kent-Keith .... Sept. 11  
714 Back to Nature—The Jones Family ..... Sept. 18  
707 Ramona—Loretta Young-Don Ameche ..... Sept. 25  
712 Thank You, Jeeves—Treacher-Field ..... Oct. 2  
710 Ladies in Love—Gaynor-Young-Simon ..... Oct. 9  
715 Dimples—Temple-F. Morgan-Kent ..... Oct. 16  
713 Pigskin Parade—Erwin-Downs-Judge ..... Oct. 23  
767 Ambassador Bill—Will Rogers reissue ..... Oct. 23  
716 15 Maiden Lane—Trevor-Romero ..... Oct. 30

## United Artists Features

(729 Seventh Ave., New York, N. Y.)

### Beginning of 1936-37 Season

Last of the Mohicans—Scott-Barnes-Cabot..... Sept. 4  
Dodsworth—Huston-Chatterton-Astor ..... Sept. 23  
Gay Desperado—Martini-Lupino-Carillo ..... Oct. 8  
Garden of Allah—Dietrich-Boyer ..... Oct. 16

## Universal Features

(1250 Sixth Ave., New York, N. Y.)

A9036 Parole—Preston-Hunter ..... June 14  
A9031 Crash Donovan—Jack Holt ..... July 26  
A9019 Postal Inspector—Cortez-Ellis ..... Aug. 16  
A9030 Yellowstone—Hunter-Bartlett (reset) .... Aug. 30

(More to come)

### Beginning of 1936-37 Season

A1002 My Man Godfrey—Powell-Lombard ..... Sept. 6  
A1010 Two in a Crowd—J. Bennett-McCrea (re) .. Sept. 13  
A1027 Sea Spoilers—Wayne-Grey ..... Sept. 20  
A1041 Ride 'Em Cowboy—Buck Jones (59½m) .. Sept. 20  
A1032 The Girl on the Front Page—Lowe-Stuart-  
Byington ..... Sept. 27  
A1022 The Magnificent Brute—McLaglen ..... Oct. 11  
A1026 The Man I Marry—Nolan-Whalen ..... Oct. 18  
A1019 Four Days Wonder—Dante-Howell ..... Oct. 25

## Warner Bros. Features

(321 W. 44th St., New York, N. Y.)

913 Public Enemy's Wife—O'Brien-Lindsay .... July 25  
902 Green Pastures—a Fable ..... Aug. 1  
927 Jailbreak—Travis-Reynolds-MacLane ..... Aug. 8  
912 Satan Met a Lady—Davis-William ..... Aug. 8

(801 "Anthony Adverse" is being released on August 29 as a 1934-35 release)

### Beginning of 1936-37 Season

118 The Bengal Tiger—MacLane-Travis ..... Sept. 5  
109 Give Me Your Heart—Francis-Brent ..... Sept. 26  
A Midsummer Night's Dream—all star ..... Oct. 3  
119 Isle of Fury—Woods-Lindsay-Bogart ..... Oct. 10  
103 Cain and Mabel—Davies-Gable ..... Oct. 17

## SHORT SUBJECT RELEASE SCHEDULE

### Columbia—One Reel

6710	Screen Snapshots No. 10—(9½ min.)	May 29
6605	Scrappy's Camera Troubles—Scrap. (6½m.)	June 5
6809	Sport Magic—World of Sport (9 min.)	June 13
6306	Glee Worms—Color Rhapsody (7 min.)	June 24
6711	Screen Snapshots No. 11—(9½ min.)	June 26
6606	Playing Politics—Scrappy (6½ min.)	July 8
6810	Touring the Sport World—World of Sport (9½ min.)	July 11
6712	Screen Snapshots No. 12—(9 min.)	July 17
6307	Untrained Seal—Color Rhapsody (7½ m.)	July 26
6811	Little Champs—World of Sport (10m.)	Aug. 10
6713	Screen Snapshots No. 13—(10m.)	Aug. 14
6506	Highway Snobbery—Krazy Kat (6½m.)	Aug. 15
6303	Novelty Shop—Color Rhapsody (6½m.)	Aug. 15
6812	Disputed Decisions—World of Sport (10m.)	Aug. 22
6813	Football Flashes—World of Sport (10m.)	Aug. 30

(End of Season)

### Beginning of 1936-37 Season

7501	In My Gondola—Color Rhapsodies (7m.)	Sept. 2
7601	Mad Money—Court of Human Rel. (10m.)	Sept. 4
7901	Wonder Spots of America—Tours (9½m.)	Sept. 4
7851	Screen Snapshots No. 1—(10m.)	Sept. 11
7751	Looney Balloonist—Scrappys (6½m.)	Sept. 24
7801	Hold 'Em Cowboy—World of Sport	Sept. 25
7502	Merry Mutineers—Color Rhapsodies (7m.)	Oct. 1
7602	I Love a Doctor—Court of Human Relations	Oct. 2

### Columbia—Two Reels

6122	Champ's a Chump—All star com. (18½m.)	June 20
6123	A Pain in the Pullman—Stooge (20 m.)	June 27
6124	Mister Smarty—Clyde comedy (18m.)	July 15

(End of Season)

### Beginning of 1936-37 Season

7301	False Alarms—Stooge (18m.)	Aug. 16
7302	Whoops, I'm an Indian—Stooge (20m.)	Sept. 11
7351	Am I Having Fun—Andy Clyde (19m.)	Sept. 18
7401	Oh, Duchess!—All star comedy	Sept. 25

### Metro-Goldwyn-Mayer—One Reel

M-330	Little Boy Blue—Miniatures (11m.)	May 23
W-350	Pup's Picnic—Color cartoon (8m.)	May 30
S-371	Harnessed Rhythm—Sports Parade	June 6
M-331	Master Will Shakespeare—Miniat. (11m.)	June 13
W-351	Not Yet Titled—Color cartoons	June 20
S-372	Dare Deviltry—Sports Parade (9m.)	June 27
M-332	How to Train a Dog—Miniatures	July 4

(More to come)

### Beginning of 1936-37 Season

C-581	Bored of Education—Our Gang (10m.)	Aug. 29
S-551	Killer Dog—Specialties (10m.)	Aug. 29
M-521	How to Vote—Miniatures (10m.)	Sept. 5
B-571	New Shoes—Tabloid Musicals (11m.)	Sept. 5
T-501	Quaint Quebec—Traveltalks	Sept. 12
S-552	Behind the Headlines—Specialties (11m.)	Sept. 12
M-522	Hollywood Extra!—Miniatures (11m.)	Sept. 19
B-572	Swing Banditry—Tabloid Mus. (11m.)	Sept. 19

### Metro-Goldwyn-Mayer—Two Reels

C-207	On the Wrong Trek—C. Chase (19 m.)	Apr. 18
C-228	At Sea Ashore—Todd-Kelly (20 m.)	Apr. 25
C-218	Arbor Day—Our Gang com. (18 min.)	May 2
C-208	Neighborhood House—Chas. Chase (20m.)	May 9

(More to come)

### Beginning of 1936-37 Season

R-401	Violets in Spring—Musical com. (21m.)	Sept. 5
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### Paramount—One Reel

V5-18	The Rhythm Party—Varieties (8½m.)	June 26
A5-17	Musical Fashions—Headliner (10m.)	July 3
R5-13	Sporting Comparisons—Sport. (9½m.)	July 3
V5-19	Shorty at the Seashore—Varieties (8m.)	July 10
C5-6	Greedy Humpty Dumpty—Col. Clas. (7½m.)	July 10
P5-13	Paramount Pictorial No. 13—(9m.)	July 17
T5-12	You're Not Built That Way—Boop (7m.)	July 17
J5-6	Popular Science No. 6—(10m.)	July 17
V5-20	Fashions in Love—Varieties (7½m.)	July 24

E5-12	Let's Get Movin'—Popeye (6m.)	July 31
A5-18	Play Don—Headliner (10m.)	July 31
Sc5-6	The Hills of Old Wyomin—Sc. Song 9½m.	July 31

(End of Season)

### Beginning of 1936-37 Season

A6-1	Gypsy Revels—Headliner (10m.)	Aug. 7
R6-1	Neptune's Scholars—Spotlight (9m.)	Aug. 7
V6-1	Lulu's Love—Paragraphics (10m.)	Aug. 14
P6-1	Paramount Pictorial No. 1—(9½m.)	Aug. 21
T6-1	Happy You and Merry Me—Boop (6½m.)	Aug. 21
A6-2	Music Over Broadway—Headliner (9½m.)	Aug. 28
E6-1	Never Kick a Woman—Popeye (6½m.)	Aug. 28
C6-1	Hawaiian Birds—Color Classic (8½m.)	Aug. 28
J6-1	Popular Science No. 1—(10½m.)	Aug. 28
V6-2	Broadway Highlights—Paragraphics 9½m.	Sept. 4
R6-2	Lucky Spills—Spotlight (9m.)	Sept. 4
G6-1	Lovers' Paradise—Musical Romance (9m.)	Sept. 11
V6-3	Straight as an Arrow—Paragraph. (9½m.)	Sept. 18
A6-3	Knock Knock, Who's There?—Head. 10m.	Sept. 18
P6-2	Paramount Pictorial No. 2—(9½m.)	Sept. 18
T6-2	Training Pigeons—Boop (6½m.)	Sept. 18
E6-2	Little Sweet' Pea—Popeye (7m.)	Sept. 25
SC6-1	I Can't Escape from You—Scr. Song (8m.)	Sept. 25
R6-3	Fighting Marlin—Spotlight (9½m.)	Oct. 2
V6-4	Rhythm of the River—Paragraphics	Oct. 9
A6-4	Musical Charmers—Headliner (10m.)	Oct. 9

### RKO—One Reel

64506	Coral Isle of the Atlantic—World on Parade (11 min.)	Mar. 27
64405	Underground Farmer—Struggle to Live (9 min.)	Apr. 17
64107	Neptune's Nonsense—Rainbow Parade 7m.	Apr. 17
64801	Major Bowes Amateur Parade No. 1—(9m.)	May 1
64605	Pathe Topics—(9 min.)	May 1
64208	A Job's a Job—Easy Aces (10 m.)	May 22
64507	Venice of the North—World on Par. (10m.)	May 29
64108	Bold King Cole—Rainbow Parade (7 m.)	May 29
64802	Major Bowes Amateur Par. No. 2—(10m.)	June 5
64406	Living Jewels—Struggle to Live (9 m.)	June 12
64109	A Waif's Welcome—Rainbow Par. (7 m.)	June 19
64307	Row Mister Row—Screen Sport (11 m.)	June 19
64209	Fool Your Friends—Easy Aces (10 m.)	June 19
64606	Pathe Topics—(8 min.)	June 26
64803	Major Bowes Amateur Parade No. 3—(10 min.)	July 3
64110	Trolley Ahoy—Rainbow Parade (8 m.)	July 3
64111	Cupid Gets His Man—Rain. Par. (7 m.)	July 24
64804	Major Bowes Amateur Par. No. 4—(10m.)	Aug. 7
64607	Pathe Topics—(9m.)	Aug. 14
64112	It's a Greek Life—Rainbow Parade (7m.)	Aug. 14
64805	Major Bowes' Amateur Par. No. 5 (10m.)	Sept. 4
64113	Toonerville Picnic—Rainbow Parade (7m.)	Oct. 2
64806	Major Bowes' Amateur Parade No. 6	Oct. 2
(64306 "Never Catch the Rabbit," a Screen and Sport subject, has been added to the one reel releases as an April 24 release)		

(End of Season)

### Beginning of 1936-37 Season

74501	Trinidad—World on Parade (10m.)	Sept. 4
74301	High, Wide and Dashing—B. Corum (9m.)	Sept. 11
74401	Swamp Land—Struggle to Live (9m.)	Sept. 18
74601	Pathe Topics No. 1	Sept. 25
74392	Pardon My Spray—Bill Corum (11m.)	Oct. 2
74502	Washington in Virginia—World Par. (10m.)	Oct. 9
74602	Pathe Topics No. 2	Oct. 23

### RKO—Two Reels

63406	Dummy Ache—Edgar Kennedy (18 m.)	July 10
63112	March of Time No. 7—(21 min.)	July 10
63606	Sleepy Time—Ruth Etting (20 m.)	July 24
63706	Listen to Freezin'—Kelly (15 min.)	July 31
63113	March of Time No. 8—(21m.)	Aug. 7

(End of Season)

### Beginning of 1936-37 Season

73201	Who's Looney Now?—Radio Flash (19m.)	Sept. 4
73101	March of Time—(23m.)	Sept. 4
73301	So and Sew—Smart Set (15m.)	Sept. 18
73102	March of Time	Oct. 2
73501	Camp Meetin'—Hall Johnson (16m.)	Oct. 9
73401	Vocalizing—Edgar Kennedy (20½m.)	Oct. 23
73103	March of Time	Oct. 30



## Twentieth Century-Fox—One Reel

- 6524 The Hot Spell—Terry-Toon (6½ m.).....July 10  
6525 Puddy the Pup & the Gypsies—T. Toon (6m.)..July 24  
6526 Prize Package (Kiko the Kangaroo)—  
Terry-Toon (6 min.) .....July 31  
(End of Season)

## Beginning of 1936-37 Season

- 7901 Alpine Rendezvous—Musical com. (11m.)..Aug. 1  
7601 Feminine Form—Treasure Chest (10½m.)..Aug. 7  
3701 Irish Pastoral—Along Rd. Rom. (9½m.) ..Aug. 7  
7904 The Queen's Birthday—Musical com. (10m.)Aug. 14  
1601 Scouring the Skies—Adv. News Cam. 9½m..Aug. 14  
7903 The Ring Goes 'Round—Musical com. 10½m..Aug. 21  
7501 Kiko and the Honey Bears—Terry-T. 6½m..Aug. 21  
7902 Going Native—Musical comedy (10½m.) ..Aug. 23  
7602 Nature's Songsters—Treas. Chest (8½m.)..Sept. 4  
7502 The Health Farm—Terry-Toon (6m.) .....Sept. 4  
7604 Sports in the Alps—Treasure Chest (9m.) ..Sept. 11  
3702 Memories of Spain—Along Rd. Rom. (10m.)Sept. 18  
7905 Pink Lemonade—Musical comedy .....Sept. 18  
7503 A Bully Frog—Terry-Toon (6½m.) .....Sept. 18  
1602 Pacing the Thoroughbreds—Adventures of a  
News Cameraman (9½m.) .....Sept. 25  
3703 Philippine Fantasy—Along Rd. Rom. 9½m..Sept. 25

## Twentieth Century-Fox—Two Reels

- 6211 Where Is Wall Street—T. Howard (19½m.) Apr. 10  
6214 Fresh From the Fleet—Buster West (18½m.)Apr. 24  
6213 Sleepless Hollow—Harry Gribbon (16½m) ..May 8  
6307 It Happened All Right—Tim & Irene (18m) ..May 15  
6212 Railbirds—Tom Howard com. (17½ m.)...May 22  
6116 Home on the Range—Mus. com. (21 m.)...June 5  
6308 Peaceful Relations—Tim & Irene (18 m.)...June 19  
(End of Season)

## Beginning of 1936-37 Season

- 7101 Happy Heels—Buster West (18m.) .....Aug. 1  
7301 Bashful Buddies—Rooney-Timberg (17½m.)Aug. 7  
7104 Boy, Oh Boy—Bert Lahr (19½m.) .....Aug. 14  
7103 Blue Blazes—Buster Keaton (19½m.) .....Aug. 21  
7102 Parked in Parée—Buster West (19½m.) ..Aug. 28  
7302 The Wacky Family—Tim & Irene (20m.)...Sept. 4  
7105 Gags and Gals—Musical com. (20m.) .....Sept. 11  
7106 Diamonds in the Rough—Comedy (19m.) ..Sept. 25

## United Artists—One Reel

- 6 Mickey's Polo Team—Mickey Mouse (8 min.)..Feb. 5  
7 Orphans Picnic—Mickey Mouse (8 min.) .....Mar. 12  
8 Mickey's Grand Opera—Mickey Mouse (8m.) ..Apr. 9  
7 Elmer Elephant—Silly Symphony (8 m.) .....May 13  
8 Three Little Wolves—Silly Symphony (9 m.)...May 27  
9 Thru the Mirror—Mickey Mouse (9m.) .....June 15  
9 Toby Tortoise Returns—S. Symphony (8½m.)..Sept. 23  
(End of Series)

## Beginning of New Series

- 1 Moving Day—Mickey Mouse (8m.) .....July 15  
2 Mickey's Rival—Mickey Mouse (8½m.) .....Aug. 27

## Universal—One Reel

- A9397 Going Places with Thomas No. 24 (9½m.)..July 20  
A9384 (9385) Stranger Than Fiction No. 24—  
(9½ min.) .....July 27  
A9398 Going Places with Thomas No. 25 (9½m) ..Aug. 3  
A9385 Stranger Than Fiction No. 25—(9½ m.)..Aug. 10  
A9399 Going Places with Thomas No. 26 (9½m) ..Aug. 17  
A9386 Stranger Than Fiction No. 26—(9 min.)..Aug. 24  
(End of Season)

## Beginning of 1936-37 Season

- A1371 Going Places with Thomas No. 27.....Aug. 31  
A1151 Gus Van's Garden Party—Mentone (10m.)Aug. 31  
A1261 Music Hath Charms—Oswald car. (7½m.)Sept. 7  
A1371 Going Places with Thomas No. 27—9m re.Sept. 14  
A1262 Kiddie Revue—Oswald cart. (7½m.) ....Sept. 21  
A1384 Stranger Than Fiction No. 27—(7½m.) ..Sept. 28  
A1152 Musical Airways—Mentone (10½m.) .....Sept. 30  
A1372 Going Places with Thomas No. 28 .....Oct. 5  
A1263 Beachcombers—Oswald cart. (8½m.) .....Oct. 5  
A1385 Stranger Than Fiction No. 28 .....Oct. 12  
A1264 Night Life of the Bugs—Oswald (7½m.)..Oct. 19  
A1373 Going Places with Thomas No. 29 .....Oct. 26  
A1153 Fun in the Fire House—Mentone .....Oct. 28

## Universal—Two Reels

- A1499 Human Targets—Phan. No. 10 (18½m.)..Sept. 7  
A1491 The Shaft of Doom—Phan. No. 11 (19½m.)Sept. 14  
A1492 Flaming Gold—Phantom No. 12 (20m.) ..Sept. 21  
A1493 Crashing Timbers—Phan. No. 13 (18m.)..Sept. 28  
A1494 The Last Chance—Phantom No. 14 (18m.)..Oct. 5  
A1495 The Outlaw's Vengeance—Ph. No. 15 18m.Oct. 12  
A1581 Where East Meets West—Ace Drummond  
No. 1 (20½m.) .....Oct. 19  
A1582 Invisible Enemy—Drummond No. 2 (19m.)..Oct. 26

## Vitaphone—One Reel

- 1512 Carl Hoff—Melody Masters (10 min.).....July 11  
1710 Porky's Pet—Looney Tunes (6½ min.).....July 11  
1912 Can You Imagine—Our Own U. S. (10 m.)..July 11  
1813 When Fish Fight—Pepper Pot (10 m.).....July 11  
1410 I Love to Singa—Merrie Mel. (8 min.).....July 18  
1613 Vitaphone Stageshow—(10m.) .....July 25  
1712 Porky the Rainmaker—L. Tunes (7½m.) ..Aug. 1  
1411 Sunday Go to Meetin'—Mer. Mel. (7m.)...Aug. 8  
1913 For Sports Sake—Our Own U. S. (10m.) ..Aug. 8  
1513 Nick Lucas—Mel. Master (10m.) .....Aug. 15  
1713 Porky's Poultry Plant—L. Tunes (7m.)...Aug. 22  
1412 At Your Service, Madam—Mer. Mel. 7½m..Aug. 29  
1711 Porky's Moving Day—L. Tunes (7m.) (re).Sept. 12  
1413 Toytown Hall—Mer. Mel. (6½m.) .....Sept. 19

("Milk and Money" listed in the last Index as a Sept. 12 release. No. 1713, has been now placed in the 1936-37 schedule)

(End of Season)

## Beginning of 1936-37 Season

- 2301 The Pearl of the Pacific—Col. Adv. (10m.)..Sept. 5  
2501 Clyde Lucas and Orch.—Mel. Mas. (11m.)..Sept. 5  
2401 Oscar's Recipe—Pictorial Rev. (11m.)....Sept. 12  
2601 Vitaphone Gayeties—Big Time Vaude. 11m..Sept. 19  
2701 Logging Along—Novelties (10m.) .....Sept. 26  
2302 Harry Reser and Orch.—Mel. Mas. (9m.) ..Sept. 26  
2302 Colorful Occupations—Color. Adv. (10m.) ..Oct. 3  
2801 Milk and Money—Looney Tunes (8m.) .....Oct. 3  
2402 Geo. Rectar—Fashions in Color—Pic. Rev....Oct. 10  
2201 Boulevardier of the Bronx—Mer. Mel. ....Oct. 10  
2503 Emil Coleman and Orch.—Mel. Mas. (10m.) ..Oct. 17  
2602 Vitaphone Internationals—Vaude. (10m.) ..Oct. 17  
2702 An Ounce of Invention—Novelties (11m.) ..Oct. 24  
2303 Flower Reel—Colortour Adventures .....Oct. 31

## Vitaphone—Two Reels

- 1014 Wash Your Step—Bway. Brevity (22 min.) Mar. 7  
1111 For the Love of Pete—Comedy (22 min.) ...Mar. 14  
1015 Paris in New York—I. Bordon (22 min.) ...Mar. 21  
1112 Bob Hope—Comedy Series (21½ min.) ....Mar. 28  
1025 The Black Network—com. (21½ min.) .....Apr. 4  
1030 College Dads—Leon Janney (22 min.) .....Apr. 11  
1113 Slum Fun—comedy (22 min.) .....Apr. 11  
1016 The Double Crossky—Baclanova (20 m.)...Apr. 18  
1026 I'm Much Obligated—Vera Van (22 min.)...May 2  
1115 Absorbing Junior—Shemp Howard (22 m.)..May 9  
1017 When You're Single—Cross & Dunn (22m) ..May 16  
1018 Maid for a Day—Grace Hayes (21 m.)...May 23  
1019 The City's Slicker—Dawn O'Day (20 m.)...May 30  
1117 Here's Howe—Shemp Howard (22 min.)..June 6  
1905 Changing of the Guard—Bway. Brev. (20m) ..June 6  
1032 Romance in the Air—Wini Shaw (20 m.)...June 13  
1031 Rhythymitis—Bway. Brev. (19 min.).....June 13  
1116 Wife of the Party—Comedy (22 min.).....June 20  
1006 Song of a Nation—Bway. Brev. (19 m.)...July 4  
1119 Good Old Plumber Time—com. (20 m.)...July 11  
1118 Ken Murray—Sassafras—comedy (20 m.)...July 25  
1120 Punch and Beauty—Comedy (22 min.).....Aug. 15  
1023 Shake, Mr. Shakespeare—B'way Brev. 20m..Aug. 22  
1007 Echo Mountain (Western Knights)  
Broadway Brevities (18m.) .....Aug. 29  
1114 Doughnuts—Yacht Club Boys (22m.) .....Nov. 14  
(End of Season)

## Beginning of 1936-37 Season

- 2007 Rush Hour Rhapsody—B'way Brev. (20m.)..Sept. 5  
2008 The Choke's on You—B'way Brev. (21m.)..Sept. 12  
2010 The Backyard Broadcast—B'way Brev. 22m..Sept. 26  
2011 Say It with Candy—B'way Brev. (20m.)...Oct. 3  
2012 Sheik to Sheik—B'way Brev. (21m.) .....Oct. 10  
2013 Ken Murray—Oswald .....Oct. 24  
2001 The Sunday Roundup—B'way Brev. ....Oct. 31

## NEWSWEEKLY NEW YORK RELEASE DATES

### Universal

- 485 Wednesday ..Aug. 19  
486 Saturday ....Aug. 22  
487 Wednesday ..Aug. 26  
488 Saturday ....Aug. 29  
489 Wednesday ..Sept. 2  
490 Saturday ....Sept. 5  
491 Wednesday ..Sept. 9  
492 Saturday ....Sept. 12  
493 Wednesday ..Sept. 16  
494 Saturday ....Sept. 19  
495 Wednesday ..Sept. 23  
496 Saturday ....Sept. 26  
497 Wednesday ..Sept. 30  
498 Saturday ....Oct. 3  
499 Wednesday ..Oct. 7  
500 Saturday ....Oct. 10  
501 Wednesday ..Oct. 14  
502 Saturday ....Oct. 17  
503 Wednesday ..Oct. 21  
504 Saturday ....Oct. 24  
505 Wednesday ..Oct. 28  
506 Saturday ....Oct. 31

### Fox Movietone

- 2 Saturday .....Sept. 19  
3 Wednesday ..Sept. 23  
4 Saturday ....Sept. 26  
5 Wednesday ..Sept. 30  
6 Saturday .....Oct. 3  
7 Wednesday ..Oct. 7  
8 Saturday .....Oct. 10  
9 Wednesday ..Oct. 14  
10 Saturday ....Oct. 17  
11 Wednesday ..Oct. 21  
12 Saturday ....Oct. 24  
13 Wednesday ..Oct. 28  
14 Saturday ....Oct. 31

### Paramount News

- 13 Saturday .....Sept. 19  
14 Wednesday ..Sept. 23  
15 Saturday ....Sept. 26  
16 Wednesday ..Sept. 30  
17 Saturday .....Oct. 3  
18 Wednesday ..Oct. 7  
19 Saturday .....Oct. 10  
20 Wednesday ..Oct. 14  
21 Saturday ....Oct. 17  
22 Wednesday ..Oct. 21  
23 Saturday ....Oct. 24  
24 Wednesday ..Oct. 28  
25 Saturday ....Oct. 31

### Metrotone News

- 200 Saturday ....Sept. 19  
201 Wednesday ..Sept. 23  
202 Saturday ....Sept. 26  
203 Wednesday ..Sept. 30  
204 Saturday ....Oct. 3  
205 Wednesday ..Oct. 7  
206 Saturday ....Oct. 10  
207 Wednesday ..Oct. 14  
208 Saturday ....Oct. 17  
209 Wednesday ..Oct. 21  
210 Saturday ....Oct. 24  
211 Wednesday ..Oct. 28  
212 Saturday ....Oct. 31

### Pathe News

- 75117 Sat. (O.) ..Sept. 19  
75213 Wed. (E.) Sept. 23  
75119 Sat. (O.) ..Sept. 26  
75220 Wed. (E.) Sept. 30  
75121 Sat. (O.) ..Oct. 3  
75222 Wed. (E.) ..Oct. 7  
75123 Sat. (O.) ..Oct. 10  
75224 Wed. (E.) ..Oct. 14  
75125 Sat. (O.) ..Oct. 17  
75226 Wed. (E.) ..Oct. 21  
75127 Sat. (O.) ..Oct. 24  
75228 Wed. (E.) ..Oct. 28  
75129 Sat. (O.) ..Oct. 31



# HARRISON'S REPORTS

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SATURDAY, OCTOBER 10, 1936

No. 41

## An Appraisal of the 1936-37 Season's Pictures—No. 4

### United Artists

United Artists has announced thirty-one pictures, 7 from Alexander Korda (to be produced in England), 7 from Samuel Goldwyn, 7 from Walter Wanger, 5 from David Selznick, 2 from Criterion Pictures, 1 from Reliance, 1 from Pickford-Lasky, and 1 from Bergner Productions.

The following stories are available for an appraisal:

"I, Claudius," the novel by Robert Graves, a costume story of the Roman Empire, to be produced by Korda in England, with Charles Laughton and Merle Oberon in the leading parts. The story is a cross section of life of Ancient Rome, in a background of pageantry and splendor, and of intrigue. No doubt chariot races and gladiator butchery will be part of the picture. It will undoubtedly be made into a great spectacle. How much, however, it is worth at the box office must be determined by each exhibitor himself.

"Rembrandt," the story of the famous Dutch painter, whose genius dies with the death of his wife, whom he loved passionately, and whose genius is revived by the beauty of the last of his servant girls. Because of a clause in his dead wife's will, if Rembrandt married the fortune would revert to their son; but since the money had been lost he cannot marry the servant girl until it is paid to the son. The girl and Rembrandt live together and out of the proceeds from his paintings the debt is paid. But the girl dies just as he had been freed to marry her. There is deep human interest in this story and, properly handled, it should make a deeply moving picture. To be produced by Alexander Korda in England, with Charles Laughton.

"Knight Without Armor," a story by James Hilton, a hodge-podge thing of an Englishman who becomes a member of the Russian revolutionary society so as to get information for the British Government, and who, becoming involved innocently in a murder, is sent to Siberia, is freed when the Czar is overthrown, murders a Russian revolutionary officer in an argument and dons his uniform, passing as a Commissary. He captures a company of white soldiers and rescues a countess from their hands. They find shelter at the farm of a man who was sheltering a little princess. The countess dies and the child is sent to a children's camp in the Crimea. Years later the hero traced the Princess but because she was happy with her new parents he burned the papers so that she might never learn who really she was. He dies. A fair picture, although an expensive one to produce. It will be produced in England, by Alexander Korda.

"Dodsworth," the Sinclair Lewis novel, with Walter Huston, Ruth Chatterton, Mary Astor and Paul Lukas—a Goldwyn production. An excellent drama for the classes. (Reviewed last week.)

"Come and Get It," the Edna Ferber novel, a drama, announced with Edward Arnold, Frances Farmer, and Mady Christians in the leading parts, to be directed by Howard Hawks. The main characters of the book are not sympathetic, and tragedy dogs their steps. Before Goldwyn can make anything out of it, he must make radical alterations, not only in the characterizations, but also in the plot; and since he usually does make such alterations, it is difficult to determine in advance this picture's possible quality.

"Shake Hands With Murder," a story by Joseph F. Dineen, reporter on the Boston Globe—a murder melodrama, in which two innocent men are accused of a murder they had not committed, and in which they are finally acquitted as a result of the faith a young police sergeant had in their innocence, and of the clue that had been furnished by a newspaper reporter. The real criminals are finally tracked down (Sacco-Vanzetti?): Powerful gang-

ster melodrama. To be produced by Samuel Goldwyn.

"Wuthering Heights," a novel by Emily Bronte, with Sylvia Sidney and Charles Boyer—a tragedy. Powerful story material but not so pleasant; and unless alterations are made in the characterizations as well as in the plot the business after the first day will not be so good. (A Walter Wanger Production.)

"Three-Times Loser," a story by Gene Towne and Graham Baker—a powerful gangster melodrama, but there are too many murders in it, and the action in places is too strong. (A Wanger production.)

"Desert Intrigue," the novel by Alfred Batson, the story of a young German who, hating conditions in Germany, goes to South Africa. There he is engaged by would-be botanical research savants but really surveying French territory for the German Government. One after another the professors die and only the hero is left. Admiring the spirit of the professors, who did not hesitate to offer even their lives for the fatherland, he carries on. But when he returns to Berlin he is treated as a member of an expedition that had failed. The hero leaves for America, hating but at the same time admiring, the relentless though precise system. Indifferent story material. (A Wanger production.)

"Garden of Allah," the Robert Hitchens novel, produced in technicolor. David Selznick has spent enough money on it to make it an excellent entertainment.

"Tom Sawyer," the Mark Twain novel: Good for matinee trade mostly. (A Selznick picture.)

"The Gay Desperado," with Nino Martini, Ida Lupino, and Leo Carrillo; directed by Rouben Mamoulian, a story of Latin American (Mexican) bandits and of a young tenor, who had been abducted by them. Good possibilities. (A Pickford-Lasky picture.)

"The Last of the Mohicans," the James Fenimore Cooper: Very good.

### Vitagraph

Before touching upon the appraisal of the Warner-First National product, let me take up with you another important matter. A few exhibitors have informed this paper that Warner Bros. is demanding for "Anthony Adverse" and for "The Charge of the Light Brigade" 50% of the gross receipts.

The harsh terms Metro-Goldwyn-Mayer has instituted this season are the result of the fact that, in the last two seasons or so, you paid to other major companies, for some of their pictures, 40% and for some of them as high as 50%. One trade paper editor—Mr. Jay Emanuel, of Philadelphia, sounded a warning several times, giving the exhibitors in the zones served by his three papers a hint as to what was coming to them if they were unwise enough to pay such percentages: he foretold that MGM would demand in the subsequent seasons as much. And his prophecy has come true. If you should pay to Warner Bros. so high a percentage, not only MGM but also other major companies may demand as much next season. So it is up to you to determine whether you should agree to pay to Warner Bros. for "Anthony Adverse" such a percentage or not.

Another matter that I desire to take up with you at this time is this: In the case of those of you who have bought or are contemplating buying the thirty First National and the thirty Warner Bros. pictures, let me say that Vitagraph has the right to interchange a First National and a Warner Bros. picture; but it has no right to make such an interchange if you have bought or are contemplating buying one of the programs without the other. For instance, if

(Continued on last page)



**"Valiant is the Word for Carrie" with Gladys George, Jackie Moran, Arline Judge, and Harry Carey**

(Paramount, released Oct. 2; time 108 min.)

A powerful human interest drama. It is so human, in fact, that not an eye will remain dry among those who will see it. The emotions are stirred by the faith a fourteen year old boy shows toward the heroine, and by the heroine's regeneration as a result of that faith. The situation in which the heroine, in order to save the boy of suffering, pretends that she no longer cares to have him visit her and sends him away, then goes and leans against the garden door, after the boy had gone out, to catch some sound of his voice, and then wilts when she hears him sob, should melt a heart of granite. The motherly care the heroine shows toward the orphaned boy and the orphaned girl, their loyalty for one another through the years of their life, some of them very trying, is inspiring. The second part of the picture is not as strong as the first. In it the children are grown up, and it somewhat lets up on the interest one feels for the characters in the first half. The picture will certainly make Gladys George a popular screen actress, for her work is marvelous. She is really a find. The part that shows the heroine's early life is handled with tactfulness. Harry Carey appears in only a few scenes; but he makes his presence known by his artistic ability and his wholesomeness:—

Gladys George lives in the outskirts of a small town, making a living by selling herself to men. Jackie Moran, a boy of fourteen, while returning from a fishing expedition, enters her garden ostensibly to ask Miss George for a cup of water. To her close questioning he replies that he had heard people saying things against her, but that he did not believe them. The innocence and candidness of Jackie appeal to Miss George and a staunch friendship is established between them. But some one had seen the youngster coming out of her house and tells his father about it. His father beats him unmercifully. The people of the town determine to run Miss George out of town. A friend informs her about it and, although she is at first resentful, she eventually sells her things and leaves town, after letting Jackie believe that she does not care for him any longer. During the months that ensue Gladys has an eye on Jackie, and when she hears that his parents had died, and that he had joined a boat thief, she goes to him and takes him away. But she is compelled to take along also a little girl, whom Jackie had picked up near a train that had been wrecked. In the years that follow Gladys mothers the boy and the girl and they are all a happy family. But clouds darken their horizon once when a worthless girl enters the life of the grown up son (John Howard). To save John from future heartaches, Gladys agrees to help the man the other girl really loved escape from jail. The plan fails, however, and Gladys is arrested as aiding the escape of a criminal. But adopted son and daughter (Arline Judge) rush to her. And so does Harry Carey, the old friend. But Gladys prefers to plead guilty so that there might be no trial, for if a trial were to be held her old life would be brought to light. This, she felt, would make her adopted children unhappy. But son and daughter promise to stand by her to the end.

The plot has been founded on the novel by Barry Bene-field; the screen play was written by Claude Binyon; Wesley Ruggles directed it and produced it.

Children will not understand the early life of the heroine, and since the sex parts have been handled with extreme delicacy and there is a good moral lesson in the story the picture should prove suitable for the entire family. Class A.

**"Old Hutch" with Wallace Beery, Cecilia Parker and Eric Linden**

(MGM, Sept. 25; time, 77½ min.)

A fair homespun comedy-drama. It is finely acted, particularly by Wallace Beery, in a role suited to his talents. But the story is pretty trite and slow in getting started. It becomes more exciting in the second half, after Beery finds a tin box containing \$100,000 and does not know what to do with it. The comedy is provoked by the fact that Beery, who had always shunned work, is compelled to go to work in order to let people know that he was earning money again and thus be enabled to spend the fortune he had found. There are several comical situations. The one in which Beery tries to prevent laborers from building a hut over the spot where he had buried the fortune is the most amusing. The closing scenes are exciting; there Beery is held prisoner by the bank robbers, who had buried the fortune, and had found Beery's hiding place. Their purpose was to force Beery, at the point of a gun, to change the thousand

dollar bills into smaller ones. The manner in which Beery outwits them is comical; by doing this he earns a reward large enough to again put him in the leisure class. The love interest is handled by Cecilia Parker, as Beery's daughter, and Eric Linden, the son of the town's rich man. In the end, Beery becomes the town hero—his family is provided for, and Miss Parker marries Linden.

Garret Smith wrote the story, and George Kelly the Screen play. J. Walter Ruben directed it, and Harry Rapf produced it. In the cast are Elizabeth Patterson, Robert McWade, and others.

Suitable for all. Class A.

**"Alibi for Murder" with William Gargan and Marguerite Churchill**

(Columbia, Sept. 23; time, 58 min.)

Fair program murder-mystery melodrama; it may find favor with followers of stories of this type. It is developed in the routine manner, with several characters being suspected of the murder, and with the identity of the guilty person not being divulged until the end. Although the murder is solved in a somewhat logical fashion, it never leads up to any real excitement. It has some comedy and a pleasant romance:—

William Gargan, a radio commentator, who had been unsuccessful in getting a certain well known scientist to give him an interview, arrives at the scientist's home in an attempt to see him. He is about to be forcibly ejected by Miss Churchill, the scientist's secretary, and Romaine Callender, his business manager, when a shot is heard. They all rush into the library and find the scientist dead, with a gun in his hand. It looks like suicide to all but Miss Churchill and Gargan. They decide to investigate the matter for themselves. Gargan receives warnings to stop meddling. But he continues and finally proves that the murder had been committed, in an ingenious fashion, by Callender, who had been in love with the scientist's wife. Miss Churchill, who had fallen in love with Gargan, accepts his proposal of marriage.

Tom Van Dycke wrote the original screen play, and D. Ross Lederman directed it. Ralph Cohn produced it. In the cast are Egon Brecher, Gene Morgan, and others.

Because of the murder, it is hardly suitable for children, or for sensitive adolescents. Harmless for adults. Class B.

**"Craig's Wife" with Rosalind Russell and John Boles**

(Columbia, Sept. 25; time, 74 min.)

Good entertainment for class audiences. It lacks mass appeal because the action is slow; it has been produced on the pattern of the stage play, with most of the action concentrated in one house. Columbia has given the picture an excellent production; but, in adapting it from the stage play, its editorial department made very little change in the plot, which, although an interesting psychological study, is at most unpleasant because it deals entirely with the actions of a woman whose thoughts are only for herself. Rosalind Russell's acting is so good that she makes of the character an entirely detestable person, one for whom the spectator can feel no sympathy, for the reason that her actions are motivated by her desire for financial security. One feels sympathy for John Boles, the husband, when his wife's character is revealed to him. The picture ends on a tragic note, leaving one with an uneasy feeling:—

Boles is very much in love with his wife, Miss Russell. He does not realize that she had driven all his friends away from him and that she had been shaping his future for her own benefit. Alma Kruger, Boles' aunt, who lived with them, sees through Miss Russell's selfish nature and, after a quarrel with her, tells Boles the truth. He thinks that his aunt is exaggerating. But Miss Russell reveals herself to him when he becomes inadvertently involved in a suicide case. Her thoughts are for the protection of their name and not for her husband's safety. When he upbraids her for her attitude she tells him not to be silly, that she never loved him but tolerated him because of the security he could give her. Her servants hate her and all leave just as Miss Kruger and Boles leave her, too. At the same time she receives a telegram that her only sister had died. She is left alone, in tears—a woman despised by all.

George Kelly wrote the stage play from which this was adapted. Mary C. McCall, Jr., wrote the screen play. Dorothy Arzner directed it. In the cast are Billie Burke, Jane Darwell, Dorothy Wilson and Robert Allen.

Although there is nothing morally unsuitable for children it is hardly the type of entertainment for them. Adult fare. Suitability, Class A.



### "Sea Spoilers" with John Wayne and Nan Grey

(Universal, Sept. 20; time, 62 min.)

This program picture harks back to the old-fashioned type of melodrama, and as such is most suitable as Saturday afternoon entertainment for children; adults will, no doubt, be bored. Except for the closing scenes, the story unfolds without much excitement and fails to hold the attention. One feels sympathy for John Wayne, whose courage leads him to capture the smugglers; also for Nan Grey (heroine), who is kidnapped by the smugglers. But this is not enough to make the spectator become interested in the story:—

Wayne, a U. S. Navy officer attached to the Coast Guard, loves Miss Grey, a night club entertainer, who returns his love. When Miss Grey is engaged to entertain aboard a millionaire's yacht, Wayne decides to pay her a visit there. He arrives to find the owner murdered and Miss Grey gone. Smuggled furs are found aboard the yacht. This leads Wayne to believe that the victim had been used and then killed by the smugglers. He sets out in his official capacity to find the smugglers and also to save Miss Grey. Posing as a trapper he makes the acquaintance of the smuggler leader, and finds Miss Grey in his home, a prisoner. The leader finds out who he is and forces him to send a message to headquarters telling them that he had located the smugglers at a far-away point. The purpose of this was to have the coast clear for them to ship their furs. But Wayne adds a code message by which he gives their exact location. This brings ships to his rescue. The leader and his men are captured. Wayne is made first ranking officer on his ship; later he marries Miss Grey.

Dorrell and Stuart E. McGowan wrote the story, and George Wagner the screen play. Frank Strayer directed it, and Trem Carr produced it. In the cast are William Bakewell, Fuzzy Knight, and others.

Suitability, Class A.

### "Dimples" with Shirley Temple and Frank Morgan

(20th Century-Fox, Oct. 16; time, 78 min.)

This will delight the Shirley Temple fans. Her ability in song and dance numbers will surprise even those who have full knowledge of her artistic ability. The tap routines, which were staged by Bill Robinson, are the most intricate she has ever done; she executes them with skill and charm. She is given excellent support by a capable cast of which Frank Morgan excels; he is so good that he almost steals the picture. Shirley and Morgan are a perfect team—he in his stuttering fashion, and she in her motherly protective attitude toward him. There is tender pathos in the scenes where they declare their love for each other; these will bring tears to the eyes. The production is excellent; and the old-fashioned settings are a perfect background for Shirley. There are some good comedy situations, most of which show Morgan cursed with an uncontrollable desire to steal. A short version of the play "Uncle Tom's Cabin," with Shirley as little Eva, is interpolated in the plot in a clever way. The picture should win new followers for Shirley:—

Morgan, a former actor and music "professor," as he termed himself, earns his living by having his granddaughter (Shirley) sing and dance in the streets and then passing the hat around. She refuses to believe the stories she had heard about his thefts, until she finally sees him stealing. She upbraids him and when he promises to reform she forgives him. Helen Westley, a wealthy old woman, lonesome since she had ordered her nephew (Robert Kent) out of the house when she heard he loved an actress and was going to produce a play, is so taken with Shirley that she offers Morgan \$5,000 if he will permit Shirley to live with her. Morgan turns down the offer. Instead, he takes a position as business manager for Kent. Having been duped of the money entrusted to him by Kent, Morgan sells a cheap watch to Miss Westley, getting \$1,000 for it by claiming that it was Napoleon's watch. Miss Westley learns of this the opening night of the show and, taking a policeman along, goes to the theatre to have Morgan arrested. But she is so moved by Shirley's performance as little Eva that she forgives every one. She is happy when Kent tells her he does not love the actress but will marry his society fiancée. Shirley and Morgan are taken into the family.

The original screen play is by Arthur Sheckman and Nat Perrin. William A. Seiter directed it and Nunnally Johnson produced it. In the cast are Stepin Fetchit, Astrid Allwyn, Delma Byron, and others.

Suitability for all. Class A.

### "Down the Stretch" with Patricia Ellis and Mickey Rooney

(First National, Sept. 19; time, 65 min.)

This program comedy-melodrama is pleasant entertainment, particularly suitable for people who are interested in horse racing. One feels sympathy for Mickey Rooney, who suffers because of his father's reputation. His final act, by which he proves to Patricia Ellis his honesty at the expense of his own career, is an act of self-sacrifice that should be admired by everybody. The horse-racing scenes, in which shots of actual races have been used, are exciting, particularly the first one in which Mickey is shown riding his horse to victory. William Best, the colored stable boy and Mickey's pal, provokes hearty laughter by his peculiar mannerisms and by what he says. There is no romantic interest:—

Miss Ellis, while on a visit to a night court, recognizes Mickey (who had been arrested for sleeping in a freight car) as the son of her father's former jockey, who had been outlawed. She pleads with the Judge to free Mickey, promising to be responsible for him. She gives him a job in her racing stable. When the men learn who Mickey's father was, they insult him. Feeling that a certain horse has racing possibilities, he pleads with Miss Ellis not to sell it. She takes his advice. When her favorite horse is injured, she decides to let Mickey race the horse he liked. He wins the race and all the races in which he thereafter rides, thus becoming the favorite jockey of the day. When he refuses to throw a race, he is framed by a gambler with whom he had become involved. Unable to prove his innocence, he is outlawed by the racing association. But what breaks his heart is Miss Ellis' loss of faith in him. He goes to England, to ride for a titled Englishman, and soon makes a fine reputation. On the day of the most important race he finds that Miss Ellis had entered her famous race horse, and that her future depended on her horse's victory. He purposely throws his horse so that her's might win. He is outlawed in England, but is happy when Miss Ellis tells him her faith is restored in him and that she wants him to go back with her to America.

William Jacobs wrote the story and screen play. William Clemens directed it and Bryan Foy produced it. In the cast are Dennis Moore, Charles Wilson, and others.

Suitable for all. Class A.

### "Isle of Fury" with Humphrey Bogart, Margaret Lindsay and Donald Woods

(Warner Bros., Oct. 10; time, 60 min.)

A fair program melodrama, with a South Sea Island background. The story is told by dialogue rather than by action; for that reason the movement slows up in many places. The triangle situation has no significance, for the reason that Humphrey Bogart, the husband, is kind, considerate, and very much in love with his wife (Margaret Lindsay). For this reason one does not feel sorry when Miss Lindsay gives up Woods, who had fallen in love with her. Instead of feeling sympathy for Woods, who, it develops, is a fine character, one is led to believe, almost until the end, that he is a criminal. There are a few good scenes of deep sea diving; the most exciting one is that in which Bogart has an undersea battle with a devilfish:—

Immediately after his marriage to Miss Lindsay, Bogart is called to assist in a rescue party of a shipwreck. He is directly responsible for saving the life of Woods and Paul Graetz, the Captain. Woods stays at Bogart's home; they become good friends. He falls in love with Miss Lindsay and although she is attracted to him she has so great a respect for her husband that she is unwilling to leave him. Bogart pleads with Woods to remain with them and become his partner in the pearl diving business; but Woods, feeling that he would cause trouble if he remained, decides to leave. Graetz tries to poison Bogart's mind about Woods' actions towards his wife; this almost causes a tragedy. But it is diverted when Woods explains his loyalty to Bogart by informing him that, although he had come to arrest Bogart for a murder, he was leaving without him because he believed he was innocent. Miss Lindsay and Bogart bid Woods a fond farewell.

Somerset Maugham wrote the story, and Robert Andrews and William Jacobs the screen play. Frank McDonald directed it, and Bryan Foy produced it. In the cast are E. E. Clive, George Regas, Gordon Hart, and others.

Suitability for all. Class A.



you should buy only the First National pictures, whatever the number, Vitagraph cannot give you a Warner Bros. picture in place of a First National picture, and vice versa. They can make such an interchange only before they "earmark" a picture by means of the production numbers, contained in the respective column in the joint contract.

The Warner-First National contract calls for fifty-four regular pictures and six western melodramas—30 for the program of each brand.

The following are the identifiable works that have been announced by Vitagraph as likely to form the basis of its pictures, for both brands, for the 1936-37 season:

"The Adventures of Robin Hood," the legendary costume romance-adventure, with Errol Flynn in the part of the romantic rogue: Either very good or excellent.

"And It All Came True," the Cosmopolitan Magazine serial story by Louis Bromfield, a drama with music, with Ruby Keeler and Dick Powell in the leading parts: Either very good or good.

"Call It A Day," the stage play by Dodie Smith, a domestic comedy, dealing with what happens to an average family in one day: Light but amusing story material, which should make either a good or a fairly good program comedy.

"The Charge of the Light Brigade," a war drama, to be based on Tennyson's immortal poem, with Errol Flynn and Olivia de Havilland in the leading parts, to be directed by Michael Curtiz: Perhaps excellent or very good—the story has to be written yet.

"The Fortune Hunter," the dramatic play by Winchell Smith, with Dick Powell and Ruby Keeler, produced in 1928 by the same company: Good.

"God's Country and the Woman," the novel by James Oliver Curwood, a lumber-camp melodrama, to be filmed in natural colors: A strong melodramatic thriller, either excellent or very good.

"The Green Light," the novel by Lloyd C. Douglas, author of "Magnificent Obsession," a drama, announced with Leslie Howard in the leading part: Very good.

"The Head of the House of Coombe and Robin," the novel by Francis Hodgson Burnette, a drama: Very good.

"The Making of O'Malley," the *Red Book Magazine* story, by Gerald P. Beaumont, with Pat O'Brien and Sybil Jason—a human interest story revolving around the efforts of a cop to take care of the orphaned daughter of the man whom he had sent to the penitentiary: Good to very good.

"The Marriage Clause," the *This Week* serial story by Rupert Hughes, with Robert Montgomery and Olivia de Havilland—a drama of two Government employees, a man and a woman, who cannot marry because of the regulations: Fairly good to good program picture.

"Men Are Such Fools," the *Saturday Evening Post* serial story, by Faith Baldwin—a drama. Good.

"The Prince and the Pauper," the Mark Twain novel—a costume comedy-drama of young royalty: Very good or good.

"Schoolhouse in the Foothills," a true-life story by Ella Winslow and Alvin F. Harlow—a drama of a teacher among the backward people of a small community in the Appalachian mountains: Fairly good program stuff.

"Sea Hawk," the novel by Raphael Sabatini, with Errol Flynn—a costume adventure, produced by First National the first time as a silent in 1924: Excellent.

"A Slight Case of Murder," the Damon Runyon stage play, a gangster melodrama: Very good or good for its type.

"Slim," the Walter Hines novel—a powerhouse linemen's melodrama: Either very good or good.

"Three Men on a Horse," the stage play by Cecil Holm and George Abbott, a horse-racing farce-comedy, with Frank McHugh and Joan Blondell: Good program picture.

## Grand National

Not many pictures in the Grand National contract are identifiable as to story or author; therefore, it is difficult to give an intelligent appraisal of this company's product. The only pictures so far shown to the reviewers are "In His Steps," and "The Devil on Horseback." The first is a good picture; it was reviewed in last week's issue. As to the second, which is in natural colors, I have not yet seen it, but reliable information has it that it is just a fair program picture.

The fifty-two pictures Grand National is offering are divided in the contract into eleven brands: No producer title is given for "Snow-Covered Wagons," but the following are the brands for the other pictures: James Cagney Productions, Douglas McLean Productions, Boris Petroff Productions, Grand National Special Star Attractions (no star names are given), Bennie F. Zeidman Productions, George Hirliman Productions, Frank W. Gay Productions, Ray Friedgen Productions, Grand National Exploitation Attractions, and the western melodramas released as Range Rider Series, with Tex Ritter.

With the exception of the provisions under "Additional Clauses" in the space below the Schedule, the clauses in the Grand National Contract are the same in every respect as the clauses in the First National-Warner Bros. contract.

The important clauses are the Eighth, Tenth, Eleventh, Fifteenth, Seventeenth (the cancellation clause), and Twenty-First. You will find their interpretation in the Warner-First National contract, which appeared in the September 5 issue, Page 144.

### ADDITIONAL CLAUSES

(1) The release numbers in the contract are not to be taken as being definite release numbers. In other words, a number that appears in the schedule with a given title may be assigned to another title, of another brand entirely. This, in combination with the right to change titles in Clause Eight, give Grand National a chance to do considerable juggling. For instance, if (for example) "Yellow Cargo," which is No. 136, should turn out to be a very good picture, Grand National may take it out, give it a new title, and either sell it next season for more money or put it in a higher allocation group.

(2) Grand National has the right to interchange pictures.

(3) Minimum admission prices are provided for, with penalties for violations.

(4) G. N. may demand the payment of all sums due before delivering to the exhibitor a picture.

(5) On percentage pictures it may employ any checkers it sees fit, and has the right to look into your books.

(7) This clause reads as follows: "Number of pictures offered: . . . Number licensed: . . ." Unless the exhibitor has the salesman insert in dotted line that follows "Number of pictures offered" the same number as is inserted in the dotted line that follows "Number licensed," it is questionable whether he can exercise his cancellation privilege, granted him by Clause Fifteen.

A pretty "stiff" contract for an Independent distributor to offer.

STATEMENT OF THE OWNERSHIP, MANAGEMENT, CIRCULATION, ETC., REQUIRED BY THE ACT OF CONGRESS OF MARCH 3, 1933, OF HARRISON'S REPORTS, published *Weekly* at New York, N. Y., for Oct. 1, 1936.  
County of New York.  
State of New York.

Before me, a Notary Public, in and for the State and County aforesaid, personally appeared P. S. Harrison, who, having been duly sworn according to law, deposes and says that he is the Editor of the HARRISON'S REPORTS and that the following is, to the best of his knowledge and belief, a true statement of the ownership, management, etc., of the aforesaid publication for the date shown in the above caption, required by the Act of March 3, 1933, embodied in section 537, Postal Laws and Regulations, to wit:

1. That the names and addresses of the publisher, editor, managing editor, and business manager, are:  
Publisher, *Harrison's Reports, Inc.*, 1440 Broadway, New York, N. Y.  
Editor, *P. S. Harrison*, 1440 Broadway, New York, N. Y.  
Managing Editor, *None*.  
Business Manager, *None*.

2. That the owner is: *Harrison's Reports, Inc.*, 1440 Broadway, New York, N. Y.  
*P. S. Harrison*, 1440 Broadway, New York, N. Y.

3. That the known bondholders, mortgagees, and other security holders owning or holding 1 per cent. or more of total amount of bonds, mortgages, or other securities are: *None*.

4. That the two paragraphs next above, giving the name of the owners, stockholders, and security holders, if any, contain not only the list of stockholders as they appear upon the books of the company but also, in cases where the stockholder or security holder appears upon the books of the company as trustees or in any other fiduciary relation, the name of the person or corporation for whom such trustee is acting, is given; also that the said two paragraphs contain statements embracing affiant's full knowledge and belief as to the circumstances and conditions under which stockholders and security holders who do not appear upon the books of the company as trustees, hold stock and securities in a capacity other than that of bona fide owners; and this affiant has no reason to believe that any other person, association, or corporation, has any interest direct or indirect in the said stock, bonds, or other securities than as so stated by him.

(Signed) P. S. HARRISON,  
(Editor).

Sworn to and subscribed before me this 25th day of September, 1936.

LILLIAN SILVER,  
(My commission expires March 30, 1938.)

# HARRISON'S REPORTS

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## A REVIEWING SERVICE FREE FROM THE INFLUENCE OF FILM ADVERTISING

Vol. XVIII

SATURDAY, OCTOBER 17, 1936

No. 42

### WHEN ONE OF TWO SIMULTANEOUSLY SIGNED APPLICATIONS IS REJECTED

An exhibitor has written to me as follows:

"I signed an application for the 1936-37 MGM product. At the same time I signed an application for twenty pictures from the 1935-36 product, which I had not contracted for last season. Ten of these pictures were from among those that have not yet been released.

"The 1936-37 application has been approved, but not the 1935-36. In the meantime, however, the exchange furnished me with several of the 1935-36 pictures.

"A few days after Thalberg's death an MGM salesman called on me and tried to induce me to sign a Rider releasing his company from delivering any more of the 1935-36 pictures.

"When I refused to do it on the ground that my 1935-36 rentals were considerably smaller than those called for by the 1936-37 contract, the salesman told me that, since I will not sign the Rider, his company will refuse to approve the 1935-36 application.

"I replied that, since they have already delivered a substantial number of those pictures, they practically acknowledged acceptance of the 1935-36 application. But the salesman insisted that his company was under no obligation to deliver any more 1935-36 pictures. Whatever pictures it has delivered, he said, are considered as spot-booked.

"Will you please let me know what my rights are? Can I hold MGM to the 1935-36 contract since the exchange has delivered to me some of the pictures, including 'Gorgeous Hussy'? I shall be much obliged to you for your opinion."

In looking into the MGM contract application for 1936-37 I find the following provision in the third paragraph of Article Twenty-sixth (the article dealing with the conditions under which the application may be deemed rejected, or under which it may be deemed accepted and thus become a binding contract):

"This application and any application for other motion pictures of the Distributor executed by the Exhibitor at the same time shall, for the purpose of this Article only, be deemed one application unless an agreement to the contrary contained in the Schedule is specifically signed by the Exhibitor."

Since no agreement separating the two contracts is contained in this exhibitor's 1936-37 approved application, the application for the twenty 1935-36 pictures must be deemed part of the 1936-37 application, and approval of the 1936-37 application automatically constitutes approval of the application for the twenty 1935-

36 pictures. The exhibitor's rights are based on this provision and not on the fact that the distributor has already delivered a substantial number of the pictures. Consequently, MGM must deliver such of the remaining 1935-36 pictures as are already released and such of the unproduced pictures as will be released prior to September 1, 1937.

MGM is the only company that has such a provision in its 1936-37 application.

### AN EXAMPLE WORTH EMULATING

The following "Cardinal Principle," as it has been named, has been adopted by United Motion Picture Theatre Owners of Eastern Pennsylvania, Southern New Jersey, and Delaware, at a meeting held September 30:

"The United M.P.T.O.E.P.A., S.N.J., & DEL., establishes, adopts, sets forth and affirms as the Cardinal Principle of its right for existence and usefulness, that it will employ every active resource at its disposal to defend and protect any member of this organization in good standing, found to have suffered any aggressive or unfair act or acts, by any other exhibitor, film company or distributor in this territory, after the same shall have been so determined by the Grievance Committee of this organization.

"More specifically it will affirmatively and aggressively defend:

"A. Any attempt by any film company to exact film rentals from a member in good standing, greater than called for by the national policy of such company.

"B. Any move to increase unjustifiably the accepted clearance previously established for a member of this organization.

"C. Any attempt by a film company against a member of this organization, to use the threat of selling away from such member if he be a regularly established account in good standing, in order to compel such member to accept any film rental or run determined by this organization to be unfair."

### A BILL TO PREVENT PRODUCERS FROM OWNING MOTION PICTURE THEATRES

Representative Patman of Texas has announced that, at the next session of Congress, he will introduce a Bill to prohibit manufacturers from selling retail the articles they manufacture.

The Bill will contain a provision classing the exhibition of motion pictures as a retail business.

(Continued on last page)



### **"The President's Mystery" with Henry Wilcoxon and Betty Furness**

(*Republic, Oct. 8; time, 80 min.*)

Fairly good. Coming at a time when the main topic of conversation is politics, this should prove of interest to the masses, for it definitely takes the stand for the small man against the large corporations. The story from which this was adapted has been used merely as an outline for the plot. There is no mystery about it; one knows exactly how Henry Wilcoxon (hero) proceeds to carry out his plans, and also who had killed his wife. But it holds one's attention because of the sympathy one feels for Wilcoxon, who attempts to carry out an experiment for the benefit of many people. The closing scenes, in which Sidney Blackmer, the conniving millionaire, attempts to disrupt Wilcoxon's work by setting the people against him, are pretty exciting. The love interest develops pleasantly. This picture offers good exploitation possibilities because of the fact that President Roosevelt suggested the theme idea:—

Wilcoxon, legal adviser to large corporations, is directly responsible for killing a Bill that would have helped small canning concerns. Disgusted at the work he was doing, and heartbroken at his wife's (Evelyn Brent's) unfaithfulness, he determines to liquidate all his holdings and disappear to start life anew. He transfers his fortune over to another name, and, by putting the body of a corpse in his automobile and crashing it down a cliff, makes people believe he is dead, for he had left his own identification papers with the corpse. He settles in a small town, which was on the decline, because the cannery, which was owned by Betty Furness, was closed down for lack of funds. Wilcoxon realizes that the Bill he had killed for the big cannery concern he represented would have helped not only Miss Furness but other people in a similar position. He determines to devote his time and fortune to reopening the factory on a cooperative basis so as to set an example for the rest of the country. He is shocked to read of his wife's murder and of the fact that the police believed he had committed the crime, killing himself afterward. Sidney Blackmer, head of the big cannery concern, tries to break Miss Furness. He meets Wilcoxon in her office, recognizes him, and give the information to the police, who arrest him. Wilcoxon's valet learns that the murderer had been sent by Blackmer, who had been having an affair with Miss Brent and wanted to be rid of her. Wilcoxon inspires the workers of Miss Furness' cannery to get all the orders through. He marries Miss Furness.

The plot has been founded on an idea conceived by President Roosevelt, and developed into a story by Rupert Hughes, Samuel Hopkins Adams, Anthony Abbot, Rita Weiman, S. S. Van Dine and John Erskine. Messrs. Lester Cole and Nathanael West wrote the screen play, Phil Rosen directed it, and Albert E. Levoy produced it. In the cast are Barnett Parker, Wade Boteler, John Wray, and others.

The affair makes it questionable for children. Good for adults. Class B.

### **"Love Begins at Twenty" with Patricia Ellis, Hugh Herbert and Warren Hull**

(*First Nat'l, Aug. 22; time, 57 min.*)

A moderately amusing program comedy, suitable for the family trade. Hugh Herbert performs in his usual capable manner, provoking laughter by what he says and does. But there is nothing outstanding about the picture, either in story or production; it should, however, give satisfaction in neighborhood theatres and in small towns. A comical situation is where Herbert, usually timid and shy, becomes drunk and insults his employer. The story centers mostly around Herbert and his troubles both at home and in his office. A mild romance has been added; it is incidental to the plot:—

Herbert, henpecked at home and bossed at the office, finds that the only person who sympathizes with him is his daughter (Patricia Ellis). Herbert is sent by Wilson to a neighboring town to pick up bonds he had left with a bank. Gangsters enter and hold up the bank, taking the bonds away from Herbert. Wilson insists that Herbert make good the loss. Herbert is disconsolate. His wife goes to the cinema with a daughter, leaving Herbert to wash dishes; she cautions him not to permit Miss Ellis to see Warren Hull, the grocery clerk with whom she was in love. But Herbert, not only permits Hull to enter; he gets drunk on liquor Hull had brought, and then gives his consent to Miss Ellis' marriage to Hull. He goes to a lodge meeting, insults Wilson, and is discharged. And unknown to him the bandits, in an effort to escape from the police and so rid themselves of evidence of the theft, put the bonds in his coat pocket. Herbert is arrested on a warrant signed by Wilson. Every-

thing is finally cleared up—Herbert is released, Wilson makes Herbert a partner so that he may not sue him for false arrest, and takes Hull into the firm. But more than anything else Herbert has the satisfaction of knowing that the man his wife had always told him she should have married turns out to be a gangster—the man who had held him up.

The plot is based on the play by Martin Flavin. Dalton Trumbo and Tom Reed wrote the screen play, Frank McDonald directed it and Bryan Foy produced it. In the cast are Hobart Cavanaugh, Dorothy Vaughan, Robert Gleckler, and Mary Treen.

Suitable for all, except that some exhibitors may find the holdup objectionable. Suitability, Class A.

### **"Missing Girls" with Roger Pryor and Muriel Evans**

(*Chesterfield, Sept. 15; time, 65½ min.*)

A very good racketeer melodrama; it holds one in suspense until the very end. The story is developed in an interesting manner, moving at a brisk pace throughout. And the actors perform their parts with realism. Roger Pryor, in the role of the newspaper reporter, is sincere and wins one's sympathy by his courage and ethics. The closing scenes are thrilling; there federal officers, led by Pryor, rout the gangsters out of their hiding place, thereby saving Miss Evans and her maid, who were being held prisoners. The romantic interest is subdued:—

Pryor, a newspaper reporter, decides to do a series of articles dealing with the fate of girls who leave home and are listed as missing. He is helped considerably in this work by Muriel Evans, his sweetheart, head of the Travelers' Aid Society. Pryor's articles prove to be a sensation; he is called before the Grand Jury to say where he had obtained his facts. When he refuses to give information, he is fined \$250 and imprisoned for thirty days. The inmates at the jail, respecting Pryor for his code of ethics, determine to help him. While he is in jail, Miss Evans' father, a crusading Senator, is shot and killed by Noel Madison, a vicious racketeer. Madison then kidnaps Miss Evans and her maid, who had been witnesses to the shooting. Pryor receives information from two new prisoners as to his whereabouts. Upon his release he sets out to locate his hiding place, and succeeds. The federal men finally overpower the gang, and rescue the two girls. Madison confesses to the murder.

Martin Mooney wrote the story and screen play. Phil Rosen directed it, and G. R. Batcheller produced it. In the cast are Ann Doran, Sidney Blackmer, and others.

Hardly for children. Good for adults. Class B.

### **"The Girl on the Front Page" with Edmund Lowe and Gloria Stuart**

(*Universal, Sept. 27; running time, 73 min.*)

A fair program comedy-melodrama. Although the story is not novel, it manages to entertain fairly well and to hold one's attention because of the fast action, the breezy dialogue, and the good-natured bantering between Edmund Lowe and Gloria Stuart. Reginald Owen helps considerably by his characterization of a blackmailing butler, whose obsequiousness and good manners fool Miss Stuart. The situation in which she takes Owen to tea at a fashionable hotel, introducing him as a titled gentleman in order to play a trick on Lowe, should provoke hearty laughter, for Owen takes advantage of the situation. The closing scenes, where Lowe outwits Owen and his gang, are fairly exciting. The romance between Lowe and Miss Stuart is developed in a gay manner:—

Upon the death of her father, Miss Stuart inherits his newspaper. Lowe, the managing editor, disliking the idea of working for a woman, instructs Miss Stuart's attorney to keep her away from the office. She disguises herself and, by presenting a letter signed by herself, obtains a position as a reporter. Lowe torments her, particularly when, by chance, he discovers who she is. Lowe is interested in a murder case that involved friends of Miss Stuart's. They quarrel when she insists that he drop the case. He resigns, but continues his investigation. Eventually he unravels the mystery and proves that Owen, Miss Stuart's butler, was the head of a gang of blackmailing servants, who had been holding up their employers. Miss Stuart apologizes and begs Lowe to take back his position. He wins Miss Stuart as a wife.

Roy and Marjorie Chanslor wrote the story, and Austin Parker, Albert R. Perkins and Alice D. G. Miller the screen play. Harry Beaumont directed it. In the cast are Spring Byington, Gilbert Emery, and others.

Children will not understand the blackmailing. Suitability, Class A.



**"The Gay Desperado" with Nino Martini,  
Leo Carrillo and Ida Lupino**

(United Artists, Oct. 8; time, 86 min.)

Pretty good entertainment. It is a gay, light-hearted farce-melodrama, with good music, excellently sung by Nino Martini. But it is to the credit of Leo Carrillo that the picture has any mass appeal; he makes a loveable and extremely comical character of the Mexican bandit, with a penchant for romance and music. His expressions and actions are a source of delight, and when he is in the picture it never lags. Martini is, of course, a fine singer, but his acting is still somewhat stilted; however, he portrays a pleasant character, one for whom the spectator feels sympathy. There are many comical and a few exciting situations. The situation that shows Carrillo stopping Martini's execution so that he could sing for him is laugh-provoking; at the same time it holds one in suspense. The music is blended with the plot, becoming part of the action. Ida Lupino makes a charming heroine, playing the romantic sequences with Martini effectively:—

Carrillo, a Mexican bandit, impressed with American gangster methods as shown in American motion pictures, decides to emulate his brothers-in-crime both in action and speech. During the showing of a gangster picture, he causes a riot, but is stopped by the fine voice of Martini, who had been called upon to quiet the audience by singing. Carrillo, a great music lover, forces Martini to join his gang so that, whenever he felt the need for music, Martini could sing for him. The band kidnaps Miss Lupino and James Blakely, son of an extremely wealthy American, who had crossed the border to be married. Carrillo, having learned of the "snatch" racket from motion pictures, writes a letter demanding ransom; he seeks the aid of Stanley Fields, an American gangster, and of his henchmen to act in his behalf. In the meantime Miss Lupino, knowing that Martini had fallen in love with her, urges him to help Blakely escape. She is disgusted by Blakely's display of cowardice and suddenly realizes that she loves Martini. Fields recaptures Blakely and tries to double-cross Carrillo. Martini is arrested; he makes a plea over the radio for Carrillo to help him by freeing the young couple. Carrillo, disgusted at Fields' brutal methods, decides to go back to the good old romantic Mexican methods of banditry. He overpowers Fields and his gang, releases Blakely, and brings Miss Lupino together with Martini; he then continues on his way with his satisfied gang.

Leo Birinski wrote the story, and Wallace Smith the screen play. Rouben Mamoulian directed it, and Miss Pickford and Mr. Lasky produced it. In the cast are Harold Huber, Mischa Auer, and others.

Since the banditry is burlesqued more or less, it is suitable for all. Class A.

**"Without Orders" with Sally Eilers  
and Robert Armstrong**

(RKO, Oct. 23; time, 63½ min.)

An interesting and at times thrilling melodrama centering around commercial aviation. Both the development of the plot and the actions of the characters are plausible; for that reason one's attention is held throughout. The closing scenes are the most thrilling; there Sally Eilers, a student pilot, is compelled to bring down a large passenger plane through a terrific storm, after the cowardly pilot had bailed out; she does it by following radio instructions given to her by Robert Armstrong. Credit must be given to the director for making these scenes tensely exciting; although the spectator knows that Miss Eilers will bring the plane down safely, one cannot help being gripped by fear lest something happen to her. The romance is weaved into the plot so as to make it an important part of the picture:—

Armstrong, chief pilot for a commercial airline owned by Charley Grapewin, is in love with Miss Eilers, hostess on his plane. Vinton Haworth, Grapewin's son, a noted stunt flyer, follows his father's advice about becoming a commercial pilot; Armstrong undertakes to teach him the rules. Miss Eilers becomes infatuated with Haworth; she is unaware of the fact that he had been intimate with her own sister (Frances Sage), and that her sister had given him up after his drunkenness had been the cause of a plane crash in which a man had been killed. When Miss Sage goes to Haworth to warn him to leave her sister alone he knocks her unconscious. She is later found wandering in the streets and taken to a hospital; her skull is fractured. Miss Eilers receives a wire telling her of this and begs Armstrong to rush back. He refuses when he notices a leak in the gas supply; Haworth locks him out and continues the flight, bringing the plane down safely. He rushes to his apartment to see that no damaging evidence had been left

there. Armstrong is discharged when he knocks Haworth out. Miss Eilers goes up in Haworth's passenger plane and tells him she will marry him at the next stop. A terrific storm so frightens Haworth that he bails out; but his parachute does not open and he is killed. Miss Eilers, frightened and feeling miserable, listens to radio instructions given to her by Armstrong, who, upon hearing from Miss Sage of Haworth's perfidy, had rushed to the office of the aeroplane company. She brings the plane down safely. She joyfully rushes to Armstrong's arms when they meet.

Peter B. Kyne wrote the story, and J. Robert Bren and Edmund L. Hartmann the screen play. Lew Landers directed it and Cliff Reid produced it. In the cast are Ward Bond, Frank M. Thomas, May Boley, and others.

Suitable for all. Class A.

**"The Big Game" with Philip Huston,  
Andy Devine and June Travis**

(RKO, Oct. 9; time, 74 min.)

Very good program entertainment. Although the football end of the story runs according to formula, with the hero winning the game in the final minute, it rises above stories of this type by virtue of excellent comedy and thrilling action. An added attraction for men is the fact that nationally known college football players are in the cast and play in the games. It is to Andy Devine that credit must be given for provoking most of the laughs. To him football was just a means of making a living for his wife and his three children. The funniest situation is in the closing scenes where Devine, in an effort to stop the game so as to give Philip Huston (hero) time to reach the field, starts a riot by goading a player of the rival team. The football games are played with gusto and prove to be exciting. Aside from the football playing, the story is pretty good. The racketeer angle is made an exciting part of the picture. The second half is thrilling; there gamblers kidnap Huston, the most important player of the team against which they had placed bets. Huston is a pleasant character; he tries to do the right thing under trying conditions; the fact that he is misunderstood and is accused of being connected with gamblers makes one feel sympathy for him. The romance between Huston and June Travis, a co-ed, is developed in a pleasant and believable way. The closing scenes are thrilling despite their conventionality; there Huston is rescued from the racketeers and rushed to the football field, where, in the last minute to go, he wins the game. By doing this he establishes his innocence of having played "dirty" with his own team for money and wins the friendship of C. Henry Gordon, Miss Travis' father, who had printed disparaging remarks about him in his newspaper column.

Francis Wallace wrote the story, and Irwin Shaw the screen play. George Nicholls, Jr. directed it, and Pandro S. Berman produced it. In the cast are James Gleason, Bruce Cabot, Guinn Williams, and others.

Suitable for all. Class A.

**"Devil on Horseback" with Fred Keating,  
Del Campo and Lili Damita**

(Grand National, Sept. 29; time, 69½ min.)

Poor! The action is slow and the Hirliman color process poor. At times the faces of the players are deathly white, making them look sickly; the Mexicans fare better than the others, because of their dark skins. And the performers go through their parts in a listless manner; no one does anything to awaken sympathy. The English talk is with a Mexican accent. The music and one dance routine, performed by a chorus, are the only worthwhile features. The action unfolds in a mythical South American country:—

Del Campo, a political exile living in his mountain hacienda with his followers, is enamoured of Lili Damita, a motion picture actress, whom he had seen only on the screen. When he hears that she is touring his country with his old school friend (Fred Keating), he risks his life to stop the train on which she was a passenger, just to meet her. He forcibly insists that she, Keating, and their friends leave the train and stay at his hacienda for a time. The newspapers publish a story of Campo's kidnapping of Miss Damita. Campo tries to make love to Miss Damita, but she repulses him, for she loves Keating. The police arrive to arrest him. Miss Damita is told that if they take him away from the hacienda his enemies will kill him. She pretends to love him and insists that the abduction was just a publicity stunt. Campo is freed and bids farewell to Miss Damita and Keating.

Crane Wilbur wrote the screen play and directed the picture. George A. Hirliman produced it. In the cast are Blanca Vischer, Jean Chathburn, Tiffany Thayer and others.

Suitable for the family. Suitability, Class A.



Mr. Patman has, no doubt, been induced to frame such a Bill at the suggestion of exhibitors and, in order for him to prevent the kind of opposition we have met in our efforts to have the Pettengill Bill passed, he is camouflaging the Bill by so framing it as to take in all the industries.

Mr. Patman's intentions are, indeed, praiseworthy, but unless he changes his views and confines his contemplated Bill to such industries as are confronted with the same problems as is the motion picture industry, his Bill, according to competent legal opinion, will not stand a test in the courts on the ground of constitutionality.

Such a law might withstand an attack in the courts only if it were limited to those industries in which there is a tendency toward monopoly, that is, a tendency toward complete control of product from the time of its manufacture until the time it reaches the ultimate consumer. One of such industries is the motion picture industry.

It must be borne in mind that in some industries there is no such tendency. There are industries in which the manufacturer would, for financial reasons, want no part of retail distribution. In such industries there is no tendency toward monopoly. To include them within the scope of the proposed Patman Bill would set up a double-edged sword against those who might benefit from such a Bill: first, there would be the possibility that the law will be declared unconstitutional because it would attempt to control industries where there was no monopoly or any tendency towards monopoly; secondly, it would bring forth strenuous opposition toward the passage of the Bill from representatives of those industries in which the manufacturer is not interested in retail distribution.

It can readily be seen, therefore, that the proposed Bill, in its present form, will be subject to much unnecessary opposition, and should it eventually become law it might soon thereafter be declared invalid. The great efforts we may exert in the passage of such a Bill, then, will have been in vain.

The Allied leaders should try to alter Mr. Patman's views. Otherwise, we may find ourselves sledgehammering in the air.

### THE INCONSISTENCIES OF THE NATIONAL LEGION OF DECENCY

In its October 15 Bulletin, the National Legion of Decency, the headquarters of which are in New York, classes as an "A" picture (for general patronage—men, women and children) the Columbia release "Adventure in Manhattan."

Immediately after the title is the following description of the picture: "A crafty criminal uses a beautiful actress as a foil to engage the attention of a 'too clever' detective reporter..."

Another picture that the Legion classifies as "A," in the same Bulletin, is "Killer at Large," also a Columbia release. It describes the picture as follows: "A jewel robbery, a murder, a sinister looking culprit and a wide-eyed girl detec-

tive—a combination of exciting elements that results in a rather dull mystery."

Thus the National Legion of Decency approves for children pictures in which crafty criminals, jewel robberies, murders, and sinister looking culprits are given prominence.

On the other hand, the Legion has placed in the "B" class "Libeled Lady," in which there are no immoral situations, and everything is treated in a comedy vein.

Again, looking into the combined bulletin of the same date (October 15—No. 37), I see that the Legion has classified "The Country Doctor," the Fox picture of the Dionne Quintuplets, as "Class A—Section II—Unobjectionable for Adults," meaning that it is objectionable for children. What situation the Legion's reviewers found objectionable is hard to understand. The picture is full of human interest and comedy.

These are not the only inconsistencies.

HARRISON'S REPORTS classed "Adventure in Manhattan" as a "B" picture, objectionable for children; and "The Country Doctor" as "A," good for the entire family.

### WAIT—DON'T BUY!

A recent Bulletin of Allied Theatre Owners of the Northwest (Minnesota) contained the following editorial:

"Although the highly ballyhooed sales conventions of the distributors are now dead and forgotten, even by the salesmen, the various exchanges have thus far not even started to make an acceptable showing in the selling of their 1936-1937 product. THERE MUST BE A REASON.

"The exchanges are issuing their usual smug assurances that the territory is 'ninety per cent sold,' etc., but any intelligent observer knows that these statements are mere office routine and bear no relation to the actual facts. The actual facts are that not ten per cent of the exhibitors in the territory have signed for their next year's product.

"Adverse economic conditions, aggravated by the drouth, and the uncertainties attendant upon an election year, are prominent factors in this dull buying picture.

"More important, however, are the impossible terms being asked by exchanges of the few exhibitors who are deigning to give the salesmen a hearing. These terms differ, of course, in different situations, but ninety per cent of the exhibitors who have talked to us tell us that they are impossible of fulfillment under ideal circumstances and in the best of times and much more impossible in view of the possibilities of their thearties and the uncertainty of the economic conditions to be forced during the coming year."

Since this editorial appeared, however, the distributors have altered their attitude and some of them are very reasonable in their demands. The reason for it seems to be that the showing in their 1936-37 pictures some companies have been making is so poor that they fear to delay sales much longer. If they should delay, the exhibitors will have one additional argument in standing by their guns—the poor quality of the pictures.



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## A REVIEWING SERVICE FREE FROM THE INFLUENCE OF FILM ADVERTISING

Vol. XVIII

SATURDAY, OCTOBER 24, 1936

No. 43

### LIMITING NUMBER OF THEATRES IN ACCORDANCE WITH POPULATION WRONG

According to the trade journals, John F. Bonner, Assistant City Attorney of Minneapolis, told the City Council that the ordinance proposed to prevent the building of new theatres until the city reached the number of 550,000 inhabitants is, in his opinion, unconstitutional. The ordinance provided that not more than sixty-two licences should be issued until the city grew to that number of inhabitants, and thereafter there should be issued only one license for each ten thousand additional inhabitants.

In the May sixteen issue of HARRISON'S REPORTS your attention was called to similar ordinances that had been passed in other cities or towns and set forth the causes that gave birth to legislation of this kind. But a reiteration of them would not do any harm:

It has been the habit of the sales representatives of some distributors to threaten an exhibitor with a new theatre in his locality, put up either by their own company or by some individual, encouraged to do so by them, unless he accepted for their films the prices and the terms demanded by them; and in some instances they did bring about such a condition when the exhibitor, faced with bankruptcy if he should accept the prices and terms demanded of him, refused to sign an application.

During the Twenties such a practice on the part of the distributor representatives was only too common. As a matter of fact the salesmen of one particular company were accused of calling on exhibitors carrying the prices and terms under one arm, and blue prints for the erection of a theatre under the other.

Many exhibitors sought to put an end to this disguised blackjack by having their councils pass an ordinance limiting the number of theatres in accordance with a given number of inhabitants.

A competent attorney whom the writer consulted last spring stated that all such ordinances were, in his opinion, unconstitutional, and served merely to delay the construction of a theatre; he felt sure the courts would, eventually, declare them unconstitutional.

But the evil of threatening with competition has not yet been abandoned by the salesmen of some of the companies that own theatres. The exhibitors are, therefore, entitled to some sort of protection from such distributors as resort to this practice. Having been informed of it, this attorney suggested that in all laws the underlying motive must be the protection of the public; and since the building of theatres close to one another results in fire hazard, he drafted an ordinance for the benefit of the subscribers of HARRISON'S REPORTS with the object in

view of protecting the public from fire, thus prescribing distance of the new theatre from another theatre as the determining factor.

Those who have the May sixteen issue of HARRISON'S REPORTS in their files may copy that ordinance and present it to their city council for action; those who haven't, may apply to this paper for a copy of the draft.

### THE INCONSISTENCIES OF PRODUCER EXHIBITORS ON DOUBLE FEATURES

The theatre owning producer distributors are, indeed, inconsistent in the matter of double-features. While they have repeatedly decried this "evil," they do not hesitate to install it when it serves their purpose.

In Philadelphia, for example, they are opposed to it, and in their efforts to stop it they have been found guilty by the courts of having conspired to violate the anti-trust laws when they inserted into their contracts a clause forbidding the double-features of their films; and at the rehearing two weeks ago they described in dire terms what an evil the double-feature is. On the other hand, in Chicago the independent exhibitors have pleaded with the RKO and the Balaban circuits to give up the idea of resorting to double-features; and because they refused to give it up the independent exhibitors prepared to sue them and other distributors on the ground that they had conspired together to put their competitors, independent theatre owners, out of business. (The case was settled out of court just prior to the filing of the suit.)

The accusation hurled against the distributors in Chicago does not seem to be far-fetched. Why should they fight against double-features in one territory, and fight for them in another? Is their attitude not determined by their desire to gain greater revenue, in the one instance from single features, and in the other by killing independent competition by means of double-features?

Merlin H. Aylesworth, of RKO, speaking at the banquet given by the Society of Motion Picture Engineers in Syracuse, Wednesday, last week, decried the double-feature. Some one should point out to him that Mr. Rosenberg, attorney for those exhibitors in Chicago who had planned to bring the suit against the theatre owning producers, had pleaded with his company to give up the double-feature policy in their Chicago theatre.

The theatre owning producers should become consistent for once. If they are against double features, let them set an example by giving them up; if they do not want to give them up in territories where the exhibitor opposition is formidable, let them stop complaining and trying to induce the independents to give them up.



**"Libeled Lady" with William Powell,  
Myrna Loy, Spencer Tracy and Jean Harlow**  
(MGM, Oct. 9; time, 97½ min.)

Excellent! Acted with zest by four competent stars, it offers a sophisticated comedy, reaching the masses as well as class audiences. An unusual story, exceptionally clever dialogue, and uproariously funny situations are combined to give audiences delightful entertainment. The situation where William Powell, who knows nothing about fishing, goes trout-fishing with Walter Connolly and Myrna Loy, two experts, whom he had led to believe that he was as good as they, should provoke howls of laughter, because of the plight Powell finds himself in. The fact that he accidentally catches a prized fish makes the situation even funnier. One of the most amusing situations is where Jean Harlow marries Powell just to help out her sweetheart (Spencer Tracy), and after the wedding ceremony she kisses Tracy in the presence of the witnesses and of the judge. The spectator is held in suspense throughout, not knowing how the complicated plot will be unraveled:—

Tracy, managing editor of an important newspaper, is dragged away from his wedding to Miss Harlow to handle a \$5,000,000 libel suit brought against the paper because of an untrue scandalous story that was printed in it about Miss Loy, daughter of millionaire Connolly. Connolly was a bitter enemy of the newspaper owner and had been looking for just such an opportunity to ruin him. Tracy goes to Powell, whom he had discharged, and after much bickering agrees to pay him \$50,000 if he will get Miss Loy to drop the case. The plan is to involve Miss Loy in a legitimate scandal and thus compel her to drop the suit. To accomplish this Powell marries Tracy's girl friend (Miss Harlow), the marriage to be in name only. The next step is to make Miss Loy fall in love with him, at which time Miss Harlow would enter the scene as the wronged wife and threaten court action. Everything works smooth until Powell falls in love with Miss Loy. In the meantime Miss Harlow becomes fond of him and does not want to divorce him. But Powell, learning that Miss Harlow's divorce from her first husband was not legitimate, marries Miss Loy, only to learn that she had obtained the proper divorce later. But when Miss Harlow realizes it is Tracy whom she loves she agrees to divorce Powell.

Wallace Sullivan wrote the story, and Maurine Watkins, Howard Emmett Rogers and George Oppenheimer the screen play; Jack Conway directed it and Lawrence Weingarten produced it. In the cast are Charley Grapewin, Cora Witherspoon, E. E. Clive, and others.

Suitable for everybody. *Class A.*

**"15 Maiden Lane" with Claire Trevor,  
Cesar Romero and Lloyd Nolan**

(20th Century-Fox, Oct. 30; time, 64 min.)

A fairly good crook melodrama. Although the plot is routine, it is better than average, because the production is excellent and the acting good. Once it is established that Claire Trevor is a detective and not a crook, as she pretended to be, the audience is held in suspense, because of the dangerousness of her position. The closing scenes, where Cesar Romero, the master crook, finds out who she really is, are highly exciting. Romero portrays a vicious crook who kills men without a quiver; his brutal actions are a bit too strong. There is no romance outside of the affair Miss Trevor has with Romero in order to lead him on:—

Miss Trevor, niece of Robert McWade, and partners with him in an insurance company, is determined to find out who is the real leader of a gang of jewel thieves who had been costing her company large sums of money. By a clever ruse she becomes acquainted with Romero and convinces him that she, too, is a crook. He uses different means to test her but she, being clever, outwits him each time. Although horrified at his cold-bloodedness, she pretends to be otherwise. She gets most of the information she needs; this involves Lester Matthews, a well-known jeweler and patron of the arts. Her identity is discovered by Douglas Fowley, a go-between for the insurance company and the crooks; he tells Romero of this. Romero kills him and then sets out to get Miss Trevor. He is prevented from killing her by the timely arrival of the police. Matthews is arrested. Miss Trevor goes back to her office work.

Paul Burger wrote the story, and Lou Breslow, David Silverstein, and John Patrick the screen play. Allan Dwan directed it and Sol M. Wurtzel produced it. In the cast are Ralph Harolde, Russell Hicks, and others.

Not suitable for children or adolescents. Adult entertainment. *Class B.*

**"The Accusing Finger" with Paul Kelly,  
Kent Taylor, Marsha Hunt and Harry Carey**  
(Paramount, Oct. 23; time, 61 min.)

Just a fair program melodrama. It is a somewhat ineffective plea against capital punishment, with an unconvincing plot. Only on two occasions does it stir the spectator—once where a young convict in the death house speaks about his approaching death, and at another time when he is shown being taken to the death cell. The appeal of Harry Carey, as the Senator, against capital punishment is convincing. The plot is fashioned from familiar ingredients and is developed without much imagination. The acting is better than the material:—

Paul Kelly, state prosecutor, is noted for the number of convictions he had obtained and for his ability to send men to the electric chair. His secretary (Marsha Hunt), with whom he is in love, tells him he is too hard. Kelly's estranged wife (Bernadene Hayes) is killed by a jewel thief at a time when Kelly is at the apartment. Circumstances point to him as the murderer; he is tried and sentenced to the electric chair. While awaiting execution, he has time to think over his career; he realizes that he may have sent other men to the chair just on circumstantial evidence such as had been presented against him. His talks with Robert Cummings, one of the men he had tried, convinces him that capital punishment is a bad thing. Carey, in order to strengthen his stand against capital punishment, brings Kelly to a hearing before the Senate Committee. Kelly makes an impassioned plea for Carey's cause. Through the hard work of Kent Taylor, an assistant prosecutor, and Miss Hunt, the murderer is found. Kelly is freed. He lets Miss Hunt know that he has no hard feelings against her for having fallen in love with Taylor.

Madeleine Ruthven, Brian Marlow, John Bright and Robert Tasker wrote the original screen play. James Hogan directed it, and A. M. Botsford produced it. In the cast are DeWitt Jennings, and others.

Because of the murder it is unsuitable for children. Harmless for adults. *Class B.*

**"The Man Who Lived Twice" with Ralph  
Bellamy, Isabel Jewell and Marian Marsh**  
(Columbia, Sept. 25; time, 72 min.)

A good program melodrama. In spite of the fact that the story is far-fetched, it should appeal to the masses, for it is novel and interesting. One is held in suspense throughout, not knowing whether the experiment of turning the criminal Ralph Bellamy into a decent worthy citizen will work; also how his identity will eventually become known. One feels sympathy for Bellamy when he learns of his past, which, owing to a brain operation, had become a blank. The spectator is pleased at his eventual freedom and ability to continue living a decent life:—

Bellamy, a vicious and ugly-looking killer, in an effort to elude the police, who were after him for a murder he had committed, hides in a medical building. He wanders into the auditorium where a lecture was given by an eminent surgeon (Thurston Hall). Hall asserted that an operation on the nerve centre could completely change a personality, but his listeners doubted him. Bellamy goes to Hall's home and offers himself for the experiment on condition that he resort to plastic surgery to mend his face. Bellamy emerges from the operation a new man; and what is more, he lost completely all memory of the past. Under the tutelage of Hall, Bellamy becomes a renowned surgeon, and takes an interest in helping criminals. Isabel Jewell, his former moll, comes under his care; he does not recognize her. But she recognizes him and tries to blackmail him. When he refuses to be blackmailed she goes to the police. Ward Bond, Bellamy's former pal and present chauffeur, purposely crashes his car in which Miss Jewell was riding so that no one could testify against Bellamy; they both die. Bellamy demands to know about his past, and Hall is compelled to tell him. He surrenders and stands trial. Despite eloquent pleas, the jury finds him guilty. But the Governor pardons him, on the ground that his criminal self had died on the operating table. Bellamy is then free to continue in his good work. He marries his secretary (Marian Marsh), whom he had befriended.

Tom Van Dyke and Henry Altimus wrote the story. Mr. Van Dyke, Arthur Strawn and Fred Niblo, Jr., the screen play; Harry Lachman directed it with skill. In the cast are Nana Bryant, Henry Kolker, Willard Robertson and others.

Suitable for all. *Class A.*



**"The Longest Night" with Robert Young and Florence Rice**

(MGM, Oct. 2; running time, 50 min.)

A fair program murder mystery drama, with a good sprinkling of comedy. The production is lavish—better than what the story deserves; it helps to cover up somewhat the familiarity of the plot. All the action occurs within a few hours and unfolds in a department store, where the murders are committed. The action is fast, with police and others chasing from floor to floor in search of the murderer. There are a few hard fist fights between Robert Young (hero) and Paul Stanton (villain); these should be enjoyed by men. Ted Healy is comical in the role of a policeman who is hampered in his work by the antics of a spoiled young boy. The love interest is mildly pleasant:—

Young, playboy owner of a department store, which he is about to sell, arrives at the store at closing time, just as the body of a murdered person is discovered. He is attracted to Florence Rice, one of the workers, whose sister (Julie Haydon) is involved in the murder. Miss Haydon and her sweetheart (Leslie Fenton) had stolen goods from warehouses and had sold them to the chief buyer of the store. Janet Beecher, Fenton's mother, had found out about it and had threatened to expose the head buyer. For this, she had been strangled to death. Fenton is murdered just as he is ready to expose the murderer. Eventually Young traps Stanton and Stanton's assistant (Minor Watson), chief buyers for the store, who were connected with the crooks. He turns the gang over to the police. Young decides not to sell the store; instead he determines to buckle down to work and marry Miss Rice.

Cortland Fitzsimmons wrote the story, and Robert Andrews the screen play. Errol Taggart directed it, and Lucien Hubbard and Samuel Marx produced it. In the cast are Catherine Doucet, Sidney Toler, Etienne Girardot, Tommy Bupp, and others.

The murders may make it unsuitable for children. Harmless for adults. *Class B.*

**"The Magnificent Brute" with Victor McLaglen and Binnie Barnes**

(Universal, Oct. 11; running time, 77½ min.)

Good mass entertainment, with a particular appeal for men. It is a robust, he-man comedy melodrama, with human appeal, and it is played with forcefulness. Victor McLaglen depicts with great skill a down-to-earth individual, a man who glories in his strength. The comedy is provoked by the rivalry between McLaglen and William Hall, whose physical strength almost equals that of McLaglen. One feels sympathy for McLaglen for, despite his strength, he is kind and considerate to others. The situation in which he risks his life to save little Billy Burrud, who had fallen into a ladle in which molten steel was about to be poured, is thrilling. The scenes in the steel mills have been worked into the plot in an interesting manner:—

McLaglen, a steel furnace worker, arrives in Aurora to work at the mill where Hall, his old enemy and a bully, reigns supreme. McLaglen soon puts Hall in his place, first, by showing that he can turn out the most work, and then by overpowering him in a contest of strength. Jean Dixon, a widow, with whom McLaglen was boarding, falls in love with McLaglen, and Billy, her young son, idolizes him. But McLaglen falls for the charms of Binnie Barnes, who had dropped Hall when McLaglen arrived. McLaglen goes with Miss Barnes to a fair where the management offered \$100 to any one who could throw the wrestler. McLaglen, sure of his strength, urges all his co-workers to bet on him; but he is thrown, and is disgraced. And to add to his sorrow, he is accused of being a thief, because Miss Barnes had bet on him all the money he had collected for a widow. She had been urged to do this by Hall, who, knowing that McLaglen would be thrown, had taken the money and bet it on the wrestler and then kept all the winnings for himself. McLaglen goes about his work downcast. He is injured when he rescues Billy from a ladle into which molten steel was about to be poured. When he learns how Hall had doublecrossed him, he rushes to his apartment, beats him up, and forces him to return the widow's money. McLaglen is restored to the affections of his co-workers. He decides to marry Miss Dixon, much to Billy's joy.

The plot was adapted from the story "Big," by Owen Francis. Lewis R. Foster, Owen Francis and Bertram Milhauser wrote the screen play, John G. Blystone directed it, and Edmund Grainger produced it. In the cast are Henry Armetta, Ann Preston, Edward Norris, and others.

Suitable for all. *Class A.*

**"End of the Trail" with Jack Holt and Louise Henry**

(Columbia, Sept. 19; time, 72 min.)

Pretty good. It is a better than average western, well produced and capably acted. But it has one flaw as far as the masses are concerned—the ending; the audience will find the execution of Jack Holt distasteful, for the man he had killed was a villain, one who had murdered an innocent young man whose death Holt had avenged. Otherwise, the picture offers followers of this type of entertainment the things they enjoy—fast riding, fist fights, and exciting encounters between rivals. The love interest is handled well; in spite of the fact that both Holt and his pal (Guinn Williams) love Louise Henry there is no enmity between them.

Holt and Williams, pals, return from the Spanish-American war better friends than ever for Holt had saved Williams' life at the cost of an eye to himself. They are happy to find that Miss Henry, a nurse, had followed their advice and had settled in their town with her brother (John McGuire). Williams finds his old job in the Sheriff's office waiting for him; but no one will give Holt a job because he, though innocent, was accused of having been a cattle thief. Disgusted, he becomes a cattle and horse thief, thereby incurring the enmity of Douglas Dumbrille, a rival thief. In one year Holt obtains enough money to open a dance hall; he puts McGuire in charge. Miss Henry and Williams, knowing all about Holt's work, beg him to give up his thieving. He promises to do so after one year. Williams, who had been made Sheriff, warns Holt that he will have to arrest him if he catches him. When Miss Henry tells him she will marry him, Holt decides to go straight, and go to California with his fiancée and her brother. On the day they are to leave, Dumbrille murders McGuire. Holt, enraged, goes after him and kills him. He is captured by Williams, tried, and sentenced to be hung. He goes to his execution with his two heartbroken friends at his side.

Zane Grey wrote the story, and Harold Shumate the screen play. Erle C. Kenton directed it. In the cast are George McKay, Gene Morgan, and others.

The killing makes it somewhat unsuitable for children. Good for adults; also suitable for Sundays, where westerns are shown on that day. *Class B.*

**"Cain and Mabel" with Marion Davies and Clark Gable**

(Warner Bros., Oct. 17; time, 90 min.)

Just a fair comedy, with music. Warners have given it an extremely lavish production, particularly in the stage numbers; the sets look as if they cover acres of ground. But it will need all of Clark Gable's as well as Marion Davies' popularity to put it across, for the story is thin and none too novel. Miss Davies, in the role of a dancer, does not appear to the best advantage. The most exciting part is the bout in the closing scenes, in which Gable is one of the fighters; but this should appeal mostly to men. Roscoe Karns, as a publicity-mad press agent, provokes laughter by his attempts to run the affairs of Gable and of Miss Davies according to the stories he prints about them. The romance is routine, with bickering and misunderstandings:—

By a stroke of luck, a former waitress (Marion Davies) is given the leading part in a musical show. Her practicing of tap routines in her hotel room the night before the opening disturbs Gable, a prizefighter, who was trying to sleep in the room below. When he complains, she insults him and they become bitter enemies. Although the play is proclaimed by all the critics good, it does not draw patrons; and though Gable wins his bout he, too, does not seem to have popular appeal. Karns hits upon the idea of a romance between Gable and Miss Davies to stimulate business. They both disapprove but decide to go through with it for what it is worth; and it works—the fake romance brings in the patrons. Soon Gable and Miss Davies fall in real love with each other and plan to elope; he wants to give up prize-fighting and she wants to quit the stage. Their families, annoyed at the idea of the two stars' throwing away the chance of making large sums of money, use a trick to part them. But eventually the lovers are reconciled.

H. C. Witwer wrote the story and Laird Doyle the screen play. Lloyd Bacon directed it, and Sam Bischoff produced it. In the cast are Allen Jenkins, David Carlyle, Walter Catlett, William Collier, Sr., Ruth Donnelly, and others.

Suitable for all. *Suitability, Class A.*



## THE SHORTNESS OF MANY FEATURES

Mr. Jay Emanuel, editor and publisher of "The Exhibitor," in Philadelphia, Washington and New York, finds that the shortness of many features lies a great deal at the bottom of the double-feature practice. In the issue of October 15, he says:

"It has been suggested that instead of various individuals making surveys as to desirability of twin bills that they begin their researches at the studios to see what may be prompting those shorter-than-an-hour features that are beginning to circulate. . . .

"It may be argued, of course, that length of a feature has nothing to do with its caliber but it is more than a coincidence that all of the above are in the lower brackets. One can't blame exhibitors for doubling up rather than pay more for their shorts than for their features.

"Furthermore, to the exhibitor, a short feature is usually a tip off on a 'dog.'

"It leads the exhibitor to believe that the studios, knowing that pictures are headed for the lowest bracket, don't even attempt to bring the footage to a suitable length but chop the shows down to meet the twin bill requirements. Then again, it appears the studio makes them to meet the cancellation privileges given by the distributor to the exhibitor. . . ."

Here is a list of some of the short features and their quality, released since July 1:

	<i>Minutes</i>
"The Longest Night," MGM: Fair program	50
"The Accusing Finger," Para.: Fair pro...	61
"15 Maiden Lane," Fox: Fairly good....	64
"Love Begins at 20," F. Natl.: Fair pro....	57
"Without Orders," RKO: Very good....	63
"Alibi For Murder," Col.: Fair pro.....	58
"Sea Spoilers," Uni.: Poor pro.....	62
"Yellowstone," Uni.: Fair pro.....	61
"Thank You, Jeeves," 20th C-Fox: Fairly good program .....	56
"Three Married Men," Para.: Fair pro....	61
"Back to Nature," 20th C-Fox: Very good.	55
"Two-Fisted Gentleman," Col.: Poor pro..	62
"Pepper," 20th C-Fox: Very good pro....	62
"Postal Inspector," Uni.: Fairly good pro..	58
"The Case of Velvet Claws," F. N.: F. pro.	63
"Second Wife," RKO: Fair pro.....	59
"Jailbreak," Warner Bros. Pretty good....	59
"Grand Jury," RKO: Fair pro.....	60
"Women Are Trouble," MGM: F. G. pro..	58
"Bengal Tiger," Warner Bros.: Fair pro..	60
"Shakedown," Col.: Fair pro.....	55
"Final Hour," Col.: Fair pro.....	56
"Three Cheers for Love," Para.: Fair pro.	60
"Crash Donovan," Uni.: Good program...	54
"The Return of Sophie Lang," P.: Fair pro.	63
"High Tension," 20 C-Fox: Fairly G. pro..	63
"Two Against the World," F. Natl.: F. pro.	56
"Trapped by Television," Col.: Fair pro...	62
"Educating Father," 20 C-Fox: Good pro..	57
"The Big Noise," Warner Bros.: Fair pro..	56

These facts corroborate Mr. Emanuel's statement to the effect that the exhibitor is right when he assumes that the shortness of a feature is indica-

tive of the poverty of its quality, for none of the short features shown in the list is excellent, and only one very good.

You should insist that your distributor furnish his features with a running time no shorter than 65 minutes.

## THE METRO SALES HIT A SNAG

It seems as if the new sales policy of MGM for the 1936-37 season is not sailing so smoothly; it has hit many reefs and been stranded. That is what I gather from the letters that I have received from many exhibitors; they refuse to agree to a percentage that takes forty per cent of their gross receipts. The writers state that if they should pay to Metro this season forty per cent there is no reason why the other distributors should not try to go Metro one better next season, or even this season in the case of those who have not yet bought their 1936-37 pictures.

The spirit of the exhibitors in one zone is well exemplified by an editorial in the "Independent Exhibitors Film Bulletin," of Philadelphia. Mo Wax, its editor, wrote as follows in the October 7 issue of his paper:

"Despite contrary propaganda from sales headquarters of Metro, there is good reason to believe that only a small percentage of their regular independent accounts, in the east, at least, have signed contracts for the 1936-37 product. A random check by FILM BULLETIN in several eastern territories reveals the interesting data that an average of less than two out of every ten independents have closed deals with this company.

"Metro is resting its case on the secure confidence that eventually they will obtain their full demands for two reasons: (1) Their product in recent years has been the best on the market; (2) exhibitors are easily bluffed into believing that they are the lone holdouts and should therefore fall into line. The latter observation is based on much experience, distrust of his fellow exhibitor being one of the independent's most serious failings. So it has been only occasionally, in a territory dominated by a strong exhibitor organization, that the members have been persuaded to hold their lines in a fight for some principle. . . ."

If the MGM executives think that the exhibitor will capitulate because of the inability of the exhibitors to hold out very long, they might have a sad awakening. They have had one sad experience—in Chicago, where the exhibitors refused to buy any MGM pictures on percentage. There may be a repetition of the Chicago exhibitors' attitude on a larger scale this time, unless they come off their high horses.

No one resents MGM's obtaining a good price for their product; they are spending big money in its production, and they are getting excellent results. But it is just the law of self-preservation that will make the exhibitors refrain from paying more than the amount necessary to net them a profit. And with the present terms they demand, it gives the exhibitor no chance to make a profit.



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## THE USEFULNESS OF THE INFORMATION ABOUT PRICES AND CONTRACT TERMS

The September 11 Bulletin of Allied Theatre Owners of the Northwest said partly:

"During the past several years Pete Harrison has done yeoman service for exhibitors everywhere by publishing the results of his annual questionnaire in the form of a product analysis. That analysis has established, among other things, that the distributors, far from having a national policy, have only one motto; and that is to 'collect all the traffic will bear—and never give a sucker an even break.'

"Excellent as Pete's analysis has been, it has had one serious drawback: it concerns water over the dam. Published in the midst of the new buying season, it analyzes last year's contracts and sometimes proves of little help when an exhibitor gets to arguing the new product and the new terms with a salesman. . . ."

The Bulletin then went on to say that the answers to the questionnaire, which was enclosed, would be compiled, and would prove much more beneficial to those who had not yet bought any product.

The purpose for which the information about film prices and contract terms, contained in *Harrison's Digest*, is mailed to the exhibitors in May or June is to help them before they buy pictures. If they had no information as to what other exhibitors, in similar circumstances, paid for their product the previous season, they would have no guide to enable them to determine whether the prices they had paid the previous season and the terms they had accepted were fair or unfair; consequently, they would have no actual experience by which to determine whether the demands of the salesmen for the new product are fair or unfair.

The answers to Mr. Kane's Questionnaire were compiled and published in the October 20 Bulletin. These answers came from exhibitors who had already bought their product. And they comprised at least two-thirds of those to whom a Questionnaire had been sent. In other words, two-thirds had already bought their product, and only one-third could be helped by the information sent to them by Mr. Kane.

But what about the two-thirds who supplied the answers to Mr. Kane's Questionnaire? Without *Harrison's Digest*, they would have nothing to guide them to their new seasons' deals; therefore, the chances are that most of them would have made unsatisfactory deals, with the result that the two-thirds would make sacrifices to the end that the one-third might benefit. And then, the one-third would have to make their decisions on information sup-

plied to them by exhibitors who in all likelihood had paid more for film than they should have paid.

It can readily be seen, therefore, that information about the past season's prices and terms furnished to the exhibitors just before they are ready to buy their new season's product is not only much more beneficial than information about the current season's prices and terms, but is essential for them. Certainly it is much more beneficial for one exhibitor to know before the current season begins that a number of exhibitors, in towns of varying number of inhabitants, were not charged for score, did not have to buy the news, did not contract for shorts, or trailers, did not agree to give the distributor preferred playing time, and did not contract for any pictures on a percentage basis, than to wait for the information until some exhibitors had bought the new season's product. Unless the sales discriminations of a previous season are held up to the distributors at the beginning of a new season, we cannot expect them to modify their demands. And *Harrison's Digest* is the medium that brings such discriminations to light.

## THE QUEER LOGIC OF THE LEGION OF DECENCY'S REVIEWERS

The October 22 Bulletin of the National Legion of Decency has "15 Maiden Lane," the Twentieth Century-Fox picture, in the column that recommends the pictures for women and children and everybody (Class A—Section I), and "The Man I Married," the Universal picture, in the column for adults only (Class A—Section II).

"Fifteen Maiden Lane" deals with jewel thieves, who also commit cold-blooded murders; "The Man I Married," an innocuous picture, contains no situation that would offend any normal person.

What prompted the reviewers of the Legion of Decency to recommend a picture that deals with robberies and murders to children, even if they should have found some objectionable scene in "The Man I Married"?

In the issue of the week before last your attention was called to the fact that the National Legion of Decency has recommended "Killer at Large" for children. At that time the picture had not yet been reviewed in this paper; only the Legion's description of it was given. Now you may read the review, which appears in this issue.

You will notice that the picture deals, as the Bulletin informed you, with a jewel robbery, a murder, and a sinister-looking culprit—a cold-blooded murderer, who murders his accomplice, a woman, because she, when told that he had committed a murder on account of her blunder, said that murder was more than she had bargained for;

(Continued on last page)



**"The Big Broadcast of 1937" with Jack Benny, George Burns and Gracie Allen**  
(Paramount, October 9; time 98 min.)

Although there is hardly any story to speak of, "The Big Broadcast" should draw big crowds, because of the star-studded cast. Fashioned along the order of last year's version, it is made up of a series of radio acts, which are tied together by a thin plot. There are dull lapses in between the skits, which, by the way, are not very novel. The laughs are provoked by the antics of Gracie Allen, as the nit-wit sponsor of the radio program, who annoys everyone with her "dumb" remarks. Jack Benny, an able comedian, walks through the picture with little to do and nothing particularly funny to say. The role given to Martha Raye, who made such a hit in "Rhythm on the Range," is somewhat disappointing. She is kept in the background until the very end, where she is permitted to sing one number in her own exuberant manner. The production is lavish. The number that should please will probably be "La Bomba," sung by Frank Forest, and danced by a chorus. Shirley Ross is impressive as the romantic lead; she has a good voice, photographs well, and has poise:—

Benny, head of a New York radio broadcasting station, in order to pacify Forest, an important singer, brings Miss Ross to New York so as to stop her from broadcasting programs in which she ridiculed Forest. He gives her a contract, his intention being to keep her off the air. But both he and Ray Milland, an agent, fall in love with her. She finds out about the trick and demands a place on a program at a salary of \$2,000 a week. Benny puts her on Forest's program and she is a sensation. Forest takes the credit for having found her and plays up to her. When she turns down Benny's proposal of marriage, he thinks that she loves Forest. He tells this to Milland, not realizing that it is Milland whom she loves. Milland insults her and she decides to marry Forest. Everything is arranged for a big radio wedding. But she runs away at the last minute. Milland finds out what a fool he had been and starts a hectic search for her. He finds her, brings her back to the studio, and marries her himself.

Erwin Gelsey, Arthur Kober and Barry Trivers wrote the story, and Walter DeLeon and Francis Martin the screen play; Mitchell Leisen directed it, and Lewis E. Gensler produced it. In the cast are Bob Burns, Benny Fields, Sam Hearn, and others.

Suitable for all. Class A.

**"Mister Cinderella" with Jack Haley and Betty Furness**

(MGM, October 30; time, 76 min.)

Just a fair program comedy. The plot is the familiar one of mistaken identity; but, since the production is good and the action fast, it should please those who enjoy slapstick comedy. Arthur Treacher, Raymond Walburn, and Kathleen Lockhart, three excellent comedians, are responsible for most of the comical situations; even though the material is made up of old gags, they handle it well enough to provoke laughter. The romantic interest is amusing:—

Haley, a barber, dreams of being in society and of meeting Betty Furness, a popular debutante. His regular customer, Monroe Owsley, a wealthy playboy, while under the influence of liquor, induces him to take his place at a dinner to be given at Miss Furness' home. He timidly consents to do it and is terrified when everyone mistakes him for Owsley. Raymond Walburn, Miss Furness' father, who needed Owsley's financial backing, instructs her to keep him there until he can close a deal with him. Miss Furness, believing Haley to be Owsley, takes him out in a motor boat which stalls, compelling them to remain in a hut over night. Haley confesses who he is. She insists that he continue playing the millionaire role so as not to make her the laughing stock of her friends. Upon their return the following morning, Walburn pretends to be the wronged father and insists that Haley marry his daughter. Complications arise when Rosina Lawrence, whom Owsley had married while drunk, arrives claiming her husband. The timely arrival of Owsley clears up everything. Haley, by a stroke of luck, puts over a deal with a millionaire thereby saving Walburn's business. He marries Miss Furness.

Jack Jevne wrote the story, and Richard Flourney and Arthur V. Jones the screen play; Edward Sedgwick directed and produced it. In the cast are Robert McWade, Edward Brophy, and others.

Suitable for all. Suitability, Class A.

**"Ladies in Love" with Janet Gaynor, Loretta Young, Constance Bennett and Simone Simon**

(20th Century-Fox, October 9; time, 96½ min.)

It is a pity that the producers have wasted such an excellent cast on this trite material. The star names will at first attract patrons to the box-office; but it is doubtful if the picture will receive word-of-mouth advertising. The rambling plot is made up of three stories, unrelated to one another, and each one told without much imagination. The characters occasionally go into long speeches; this slows up the action and tends to bore the spectator. No one character is of outstanding importance; and the shifting of the scenes from incidents in the life of one character to incidents in the life of another character interrupts one's interest in the outcome; just as one becomes interested in Janet Gaynor's affairs, the story switches to Loretta Young's love troubles, and from her to Constance Bennett's, and by the time it comes back to Miss Gaynor one has almost forgotten about her.

The story revolves around three working girls—Miss Gaynor, Miss Young, and Miss Bennett, who pool their earnings in order to live in a fashionable apartment, their purpose being to impress the men they go out with. Miss Bennett, a model, is in love with Paul Lukas, a wealthy engineer. Fearing that she might be hurt if she were to tell him she loved him, she pretends to be amused at his protestations of love. She is heartbroken when he eventually marries Simone Simon, a naive youngster from the country. Miss Young falls in love with Tyrone Power, Jr., a wealthy nobleman, and when he leaves her to marry a woman of his own class she attempts to poison herself; through an error, however, Miss Gaynor drinks the potion. Miss Gaynor's illness from the effects of the drug brings her together with Don Ameche, a young physician, with whom she had quarreled because of his jealousy over Alan Mowbray, a conceited actor, for whom Miss Gaynor had worked, and she decides to marry him. Miss Bennett decides to marry a wealthy man who had always loved her, and Miss Young consoles herself with the acquisition of a hat shop, which Miss Bennett's fiancé had been kind enough to buy for her.

Ladislaus Bus-Fekete wrote the story, and Melville Baker the screen play; Edward H. Griffith directed it, and B. G. DeSylva produced it. In the cast are J. Edward Bromberg, Virginia Field, and others.

Though there are no immoral incidents, it is hardly entertainment for children. Suitable for adults. Class B.

**"Wedding Present" with Cary Grant and Joan Bennett**

(Paramount, October 16; time, 81 min.)

A pretty good comedy. It is made up of highly exaggerated, at times ludicrous, situations; but, being breezy and gay, it should appeal to the masses. The closing scenes are extremely comical; there Cary Grant, in a last effort to win Joan Bennett (his erstwhile sweetheart) away from her stodgy suitor (Conrad Nagel), puts in emergency fire, police, and hospital calls to go to Nagel's home where Miss Bennett was visiting, knowing that her instinct as a newspaper reporter will bring her outside and to him. Most of the comedy consists of the practical jokes these two characters play on each other and on others, some of them being annoying and others diverting; the wisecracking is good:—

Grant and Miss Bennett, reporters on the same newspaper, although in love with each other, decide not to marry because of their temperaments. They are both good reporters but extremely irresponsible. Their practical joking drives the city editor (George Bancroft) so frantic that he resigns. Grant is given his position. This sobers him to such an extent that he forgets about his former carefree days and, instead of being sympathetic, drives the other reporters. They all resent this, particularly Miss Bennett, who breaks her engagement to him and goes to New York. She meets and becomes engaged to Nagel, a stuffy author. When Grant learns of it, he throws up his job and rushes to New York where he wins Miss Bennett back by means of another practical joke and with the help of a gangster friend.

The plot has been founded on the *Saturday Evening Post* story, by Paul Gallico; Joseph Anthony wrote the screen play, Richard Wallace directed it, and B. P. Schulberg produced it. In the cast are Gene Lockhart, William Demarest, Inez Courtney, Edward Brophy, and others.

Suitable for all. Suitability, Class A.



**"Killer at Large" with Mary Brian and Russell Hardie**

(Columbia, October 1, [1935-36 season]; time, 53 min.)

An ordinary program murder melodrama. The plot is thin and far-fetched; occasionally it lags because of improbable situations. Most of it is made up of the blundering efforts of the police to capture a maniac who was attempting to kill Mary Brian and Russell Hardie for having uncovered his guilt as a thief and murderer. The closing scenes, in which the maniac is killed, hold the spectator in fair suspense. The love interest is of minor importance:—

Miss Brian, detective in a large department store, refuses to give up her position to marry Hardie, a salesman in the jewelry department. When Hardie returns to his department late one night to make an inventory of the contents of the safe, he is shocked to find his employer dead and the safe robbed. The police, knowing that he had quarreled with his employer, hold him for the murder; but, upon Miss Brian's pleas, they free him. Miss Brian, by following several clues, realizes that the guilty person is Henry Brandon, who had been carrying on a novelty act in the store window, where he stood as still as a wax figure. With the aid of binoculars focused directly on the safe, he had obtained the combination (highly improbable). Miss Brian and Hardie, followed by the police, go to Brandon's wax work factory. Brandon disguises himself as a wax figure and, when he overhears Miss Brian tell the police about her theory, escapes and attempts on several occasions to kill Miss Brian and Hardie. By following Miss Brian's advice, the police finally kill the maniac just as he attempts to kill Miss Brian.

Carl Clausen wrote the story, and Harold Shumate the screen play; David Selman directed it and Harry L. Decker produced it. In the cast are Betty Compson, George McKay, and others.

Unsuitable for children. Adult entertainment. Class B.

**"Daniel Boone" with George O'Brien and Heather Angel**

(RKO, October 23; time, 77 min.)

A fair program adventure-melodrama, with an appeal mostly to children. It is a semi-historical film, dealing with the efforts of Daniel Boone, in the year 1775, to bring settlers to unexplored territory in Kentucky. It lacks the realistic exciting quality found in pictures of this type. There are a few outstanding situations. The situation that shows the settlers swimming a river, hanging on to their belongings, touches one. And the spectator is held in suspense during the fierce attack by the Indians on the settlers. The most exciting situation is provided by the fight between Daniel Boone (George O'Brien) and the renegade Simon Girty (John Carradine). The thin by-plot and the romantic interest are developed in the routine manner:—

Boone, a courageous frontiersman, undertakes to lead a number of families from the Valley of the Yadkin in North Carolina to an unexplored region of Kentucky where he felt they could settle in peace and comfort. They endure extreme hardships but eventually arrive at their destination and immediately start building and working. Stephen Marlowe (Ralph Forbes), an agent for corrupt officials, leaves the group of settlers and, unknown to them, registers the land and homes in his own name. The settlers are subject to a nine day attack by Indian tribes which were led by the white renegade Girty. By a ruse Boone frightens the Indians away, and in a fierce encounter he kills Girty. But Boone is broken-hearted for, in the fight, a bullet fired by Girty at him had struck little Jerry Randolph (Dickie Jones), his fiancée's brother, and killed him. The settlers soon learn of Marlowe's perfidy but are helpless to do anything about it. They are compelled to give up their homes and to travel further on with Boone, to find new territory in which to settle.

Edgcomb Pinchon wrote the story, and Daniel Jarrett the screen play; David Howard directed it, and George A. Hirliman produced it. In the cast are Clarence Muse, George Regas, and others.

Very good for children. Class A.

**"The House of Secrets" with Leslie Fenton, Muriel Evans, Noel Madison and Sidney Blackmer**

(Chesterfield, October 20; time, 67 min.)

Fair program melodrama. The story is somewhat artificial. There are a few thrills here and there.

The story deals with a young American who, while in London, is informed by a lawyer that he had inherited "The Hawk's Nest," a large estate near London, one of the provisions of the will being to agree not to sell it. When he goes to take possession of the house, things begin to happen. First he is not allowed to enter; then he meets the young woman whom he had rescued aboard the ship from the hands of a masquerader; then he is mystified when he is told by the heroine not to visit the house, nor attempt to see her, and she could not give him the reason; then he is attacked by thugs, and imprisoned in the cellar. When he appeals to Scotland Yard for help, he is mystified further when help is refused him. In the end, however, everything is cleared up: he learns that a scientist was living in the house, experimenting on the invention of some gas that would neutralize the poisonous gases used in war; that this scientist was under the protection of the Government; and that the father of the heroine was looking after his health. The thugs, gangster Americans, are arrested; they were looking for treasure. The heroine suggests that they dig for treasure themselves, and find it. Hero and heroine become engaged.

The plot was based on the play by Sydney Horler. Roland Reed directed it. Morgan Wallace, Holmes Herbert, Ian MacLaren and others are in the cast.

Good for the family as to suitability. Class A.

**"Mummy's Boys" with Bert Wheeler and Robert Woolsey**

(RKO October 2; time, 67½ min.)

This is one of the poorest of the Wheeler and Woolsey pictures. The comical situations are few and far between; and the story is so silly that it bores one. The dialogue is forced and for the most part inane. One will have to be an ardent Wheeler and Woolsey fan to sit through it:—

Wheeler and Woolsey accompany Frank Thomas and his daughter, Barbara Pepper, to Egypt. The purpose of the expedition was to return the valuable objects that Thomas had taken from the tomb of Pharaoh, lest the curse that had killed all the men who had helped him take the objects kill him, too. Thomas is kidnapped by a mysterious stranger. Wheeler and Woolsey finally save him and uncover the fact that Moroni Olsen, a scientist accompanying Thomas, had killed all the men, hoping thereby to secure the treasure for himself.

Jack Townley and Lew Lipton wrote the story, and Jack Townley, Philip G. Epstein and Charles Roberts the screen play; Fred Guiol directed it and Lee Marcus produced it. Others in the cast are Willie Best and Francis McDonald.

Morally suitable for all. Class A.

**"The White Legion"**

(Grand National, September 29; time, 81 min.)

Poor! It is manifest that Bennie Zeidman, the producer, attempted to imitate "Louis Pasteur," the Warner Bros. picture, but he has failed, for what he has produced will repel most of those who will see it, instead of entertaining them. The story revolves around the efforts of the United States Government to stamp out yellow fever in Panama so that the construction of the Canal might be possible. In the development of the plot, human beings are seen dying of the disease. Forcible inoculations, the scientists using as a serum the blood from persons who had died of the disease, and similar incidents are shown; these are not pleasant. Nor is the background of squalor. There is a mild romance but not of a nature to attract one's interest very much.

The story was written by Karl Brown, by whom it was also directed. Tala Birell is the heroine, and Ian Keith the hero. Some of the others in the cast are: Ferdinand Gottschalk, Teru Simada, Nigel de Brulier, Warner Richmond, Jason Robards, and Robert Warwick.

Though there are no offensive sex situations it is hardly a picture for children—hardly a picture for anybody, for that matter.



therefore, she was going to quit him cold. Now, the Bulletin circulates among Catholic Churches, and no doubt among churches of other denominations—clean pictures is a matter on which all dogmas agree. Suppose Sunday-School pupils asked the priest, or the minister, as the case may be, whether he or she should see "Killer at Large"; the answer would undoubtedly be "Yes:" unless of course the priest, or the minister, had seen the picture, in which case he would undoubtedly say "No!" Imagine what a shock that child would receive if he went to see it. You may imagine an exhibitor advertising the picture as follows:

"'Killer at Large,' a thrilling melodrama, recommended by the National Legion of Decency for the entire family. Come! And bring the kiddies along!"

That is what one may expect when amateurs undertake to do work that requires special training.

### **TELEVISION NOT A DANGER— THEATRE ACQUISITION BY AFFILIATES IS**

In 1930 this paper printed a series of four articles explaining what television is, and how it might affect exhibition.

In those articles the opinion was expressed that the exhibitor need not fear competition from television for a long time.

Six years have passed and television has made great progress. But what HARRISON'S REPORTS said in 1930 holds true now, despite the progress: the exhibitor need fear no competition from television for a long time.

To begin with, the size of the television picture, as now developed, is very small—about ten by seven and one-half inches; and because the picture is so small, there isn't very much detail in the picture. Faces may be recognized, and occurrences, such as base-ball playing, for example, may be distinguished; but the pleasure of watching events in so small a frame does not give so great a pleasure. It will take some time before television will progress to the point of producing a large picture.

Even if the time arrived when a large picture could be given, still the exhibitor should not be concerned greatly. No need to give the reasons in this article; they may be given sometime in the future.

In the meantime, what should concern every one of you is the resumption of the theatre building and buying activities of the theatre-owning producers. The affiliated circuits are buying out exhibitors constantly.

Acquisition of more of the existing picture theatres, and building new ones either in non-competitive or in competitive localities, is not a healthy situation; it places the producers in a more advantageous position to demand harsher terms and bigger prices from the independent exhibitors.

Allied States Association has decided to undertake the effort of stopping further theatre acquisition by the producers and to compel them to give up the operation of the theatres they are now operating. This it hopes to accomplish by legislation. I have had a talk with Al Steffes, the chairman of the committee that is raising a fund for the fight. The plan seems to be the most feasible that has yet been proposed, and should be supported by every exhibitor in the land. Money is what the committee needs. And this must be supplied by you, the independent exhibitors.

Jim Ritter, of the Rialto Theatre, Detroit, Michigan, is the treasurer of the committee. If you want to help its efforts, send your check to Mr. Ritter. Your name will not be given out without your permission.

### **UNFAIR TRADE PRACTICE CONCESSIONS**

I asked a brother-trade paper editor the other day why do the trade papers keep up this talk about the producers' granting the demands of Motion Picture Theatre Owners of America in the elimination of certain of the unfair trade practices, and his answer was that it is ready-made copy for the trade papers, which they need so much in these days when news is so scarce.

The producers do not need M. P. T. O. A. to induce them to grant certain concessions to the exhibitors; they can do it without that inducement, for M. P. T. O. A. is, after all, a subsidiary of theirs. But they are not granting them because they don't want to do it. Yet they want to keep the issue alive so that, if any action were ever taken by the Government, they might come through with these concessions as a sort of blind; they could tell the Government that all the while they intended to grant reforms.

Red Kann, of Motion Picture Daily, has written partly as follows on the subject:

"Curious is the way it goes. The facts: Distributors have committed themselves to most of the trade practice concessions sought by the M. P. T. O. A.; so much is definite. The question: Why do they delay the official word on what they are prepared to give? The answer, perhaps, and not too unlikely: Evasion or stubbornness. Yet the longer they dally, the closer they shear themselves of strategy and the closer they bring fall, winter and spring trips to Washington and interminable hours on the witness stand before Congressional committees, fighting off new attempts to regulate the industry by legislation. Maybe the boys like journeys to Washington and the Chesapeake Bay oysters at Harvey's. . . ."

Neither evasion nor stubbornness is the answer, Red! It may be the assurance that they will not be molested.

### **GRAND NATIONAL HAS TO DO BETTER SHOWING**

HARRISON'S REPORTS looked with favor upon the formation of Grand National, by reason of the fact that, the more the producing-distributing companies, the greater the number of pictures that will be produced, and the more numerous will be the chances of the exhibitors to get a greater number of money-makers. Unfortunately, Grand National seems to have entered production with the wrong foot first.

Of the first three releases, "In His Steps" is the only one that offers fair entertainment; the other two—"Devil on Horseback" and "White Legion," are poor. As a matter of fact, "White Legion" is repellant. And yet Grand National's salesmen demand high rentals!

Grand National has to make a better showing before they can expect sympathy from the independent exhibitors. After all, the exhibitors cannot justify to their patrons the showing of such pictures as "White Legion" and "Devil on Horseback."



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## Metro Promises and Metro Performances for 1936-37

The MGM sales terms for the 1936-37 season's pictures are, indeed, high—so high, in fact, that many exhibitors have not bought and may not buy these pictures unless the terms are modified considerably.

While the sales department of this company has not strictly a uniform sales policy as to the terms it demands, its policy is, in the main, as follows: Four pictures at 40%; six pictures at 35%, and six at 30%; the remainder at flat rental terms.

When asked why they are demanding such terms, which the exhibitors are considering unreasonable, the MGM sales heads reply that it is the intention of their production department to make nothing but big pictures, and since their pictures cost them large sums of money—larger than are spent by the other companies, they are entitled, they say, to demand terms in proportion to the cost.

If MGM should have carried out this intention, I doubt whether there would be much outcry, for after all if they were to deliver at least two-thirds of their pictures of the type of "San Francisco," "Rose Marie," "Libeled Lady," "China Seas," "Mutiny on the Bounty," they would be entitled to charge higher percentages than are charged by the other companies. But have they delivered any pictures of this grade so far? Let us look into the facts:

Up to November 20, MGM has released, for the 1936-37 season, the following pictures:

"Women Are Trouble," with Stuart Erwin, Florence Rice, and Paul Kelly, a fairly good comedy-melodrama, of program grade;

"Kelly the Second," with Patsy Kelly, Charlie Chase, and Big Boy Williams, a good slap-stick comedy of program grade;

"Sworn Enemy," with Robert Young and Florence Rice, a fairly exciting gangster melodrama;

"The Longest Night," with Robert Young and Florence Rice, a fair melodrama of program grade;

"All American Chump," with Stuart Erwin, Robert Armstrong and Betty Furness, a good comedy of program grade;

"Mr. Cinderella," with Jack Haley and Betty Furness, a fair to poor comedy of program grade;

"White Dragon," with Edmund Lowe and Elissa Landi (not yet reviewed);

"Born to Dance," with Eleanor Powell, James Stewart, and Virginia Bruce (not yet reviewed);

"Our Relations," with Laurel and Hardy (not yet reviewed);

"April Blossoms," a very good class audience picture, with Athene Seyler, Charles Carson, Marguerite Allan, and Paul Graetz, produced in England (reviewed June 8, 1935).

In addition to these, MGM has released "The Great Ziegfeld," but this does not belong to the program group—it is sold separately.

You will notice that, out of the first ten pictures MGM will have delivered to the exhibitors, not one of them is of higher than program grade. How can its Home Office, then, determine on a policy of demanding higher percentages than it demanded in all the previous years of its existence, when the pictures it is delivering are so poor, not only from the quality, but also from the box office point of view? Stuart Erwin, Paul Kelly, Patsy Kelly, Charlie Chase, Big Boy Williams, Florence Rice, Robert Young, Robert Armstrong, Betty Furness and the other players who appear in these pictures may be fine actors and actresses, but they do not mean much to the box office. And yet MGM is demanding terms as high as 40%.

Let us see what kind were the first ten pictures this company delivered last season:

"Murder Man," with Spencer Tracy and Virginia Bruce, a fairly good murder mystery melodrama, of program grade;

"Woman Wanted," with Joel McCrea and Maureen O'Sullivan, a good program melodrama;

"Pursuit," with Chester Morris and Sally Eilers, a good program melodrama;

"China Seas," with Clark Gable, Jean Harlow and Wallace Beery, an excellent picture of "A" grade;

"Here Comes the Band," with Virginia Bruce, Ted Lewis and Ted Healy, a good comedy with music;

"Anna Karenina," with Greta Garbo, Fredric March and Freddie Bartholomew, a very good picture;

"The Bishop Misbehaves," with Edmund Gwenn and Maureen O'Sullivan, a fair comedy;

"Broadway Melody of 1936," with Jack Benny, Eleanor Powell, and Robert Taylor, an excellent box office picture;

"It's in the Air," with Jack Benny and Ted Healy, a good farce; and

"A Night at the Opera," with the Marx Brothers, an excellent picture.

(Continued on last page)



### **"Legion of Terror" with Bruce Cabot and Marguerite Churchill**

(Columbia, November 1; time, 61 min.)

A pretty good melodrama. It centers around the efforts of two postal inspectors to uncover the activities of a hooded legion, presumably basing its plot on the recently exposed Black Legion. The activities of this legion will send shudders down one's spine, because of the brutality and ruthlessness of the members. The night scenes of the meetings, which show the members in black hoods and carrying torches, are extremely effective and add to the terrifying feeling that is aroused. The closing scenes are exciting; there the hooded men hold Miss Churchill and Crawford Weaver, one of the inspectors, prisoners, with the intention of murdering them. Interwoven in the plot is a pleasant romance:—

Bruce Cabot and Weaver, two postal inspectors, are sent to a small factory town to track down the person who had mailed a bomb to a Senator in Washington. They try to get a job, but are unsuccessful, because the town was, as they found out, completely dominated by a hooded legion, and that those who sought employment had to join the legion first, and pay heavy dues. In order to obtain the necessary information, they become members of the legion and are immediately employed in a factory. By doing this they incur the enmity of Ward Bond, Miss Churchill's brother, who was opposed to every principle the Legion stood for. Bond is framed by Charles Wilson, managing editor of the local newspaper, in whom he had confided, unaware of the fact that he was the leader. By printing false stories accusing Bond of having killed a woman (faked) while driving intoxicated, Wilson infuriates the crowd, who mob Bond. This gives the Legion men an opportunity to abduct him and to take him out to Cabot decides to "spot" Wilson by confessing to him of their meeting place, where they murder him in cold blood, his ostensible disgust at the methods of the Legion, but his pal, fearing for his life, undertakes to do the protesting himself. Wilson has the pal abducted and taken to the meeting place. When Cabot realizes what his pal had done and how few were his chances of escaping, he raids the place with the aid of federal agents. Wilson is shot and killed while attempting to escape, and all the others are arrested. Miss Churchill then realizes how wrong she was about Cabot and feels sorry.

Bert Granet wrote the story, C. C. Coleman, Jr., directed it, and Ralph Cohn produced it.

The murderous activities of the hooded legion may prove a bit too strong for children and for sensitive adolescents. Chiefly a picture for men. Class B.

### **"The Man I Marry" with Doris Nolan and Michael Whalen**

(Universal, November 1; time, 75½ min.)

An ordinary program comedy. It starts off in a somewhat amusing way, but gradually peters out. The comedy is forced, particularly in the scenes where Cliff Edwards and Skeets Gallagher, as two drunks, go through their silly antics; they are more annoying than amusing. The best bits are contributed by Chic Sale, as a small town Sheriff, who is annoyed at having to bother with a prisoner. The romance is developed in the routine manner, with misunderstandings and final reconciliation. Doris Nolan, Universal's new star, seems to be a good actress, but she is handicapped by poor material:—

Miss Nolan, playreader for her uncle (Nigel Bruce), a theatrical producer, rebels at having to marry Gerald Oliver Smith, a silly Englishman, and decides to run away. Bruce suggests that she go up to his summer home, which had been closed for some time. She arrives there and is surprised to find Michael Whalen, a playwright, occupying the premises; he had broken into the house so that he, away from maddening interferences, might write his play. She does not tell him who she is; instead, she leads him to believe that she is avoiding the police. They soon fall in love with each other. When his manuscript is rejected by her uncle, she withholds the facts. She reads the play herself and, finding it good, advises her uncle to produce it. When Whalen learns who she is and what she had done, he resents her interference and tells her he will not permit the play to be produced. In order to keep him quiet, she prefers charges against him of breaking into her uncle's house and Sale, much to his disgust, is compelled to jail him. Miss Nolan finds that changes in the third act are necessary and begs Whalen to make the revisions; he makes them but refuses to give them to her. Through a ruse she gets the revised copy out of his cell. Eventually everything is adjusted—the lovers are reconciled and the play is produced.

M. Coates Webster wrote the story, and Harry Clork the screen play; Ralph Murphy directed it, and Charles R. Rogers produced it. In the cast are Ferdinand Gottschalk, Marjorie Gatenon, and others.

Suitable for all. Suitability, Class A.

### **"Pigskin Parade" with Stuart Erwin, Patsy Kelly and Jack Haley**

(20th Century-Fox, October 23; time, 92 min.)

Good! It is peppy, comical, and tuncful, and should entertain all types of audiences. The football angle is not stressed, except toward the end where the playing of an important game between two colleges is shown. But even this is done in a comical, rather than a serious, vein. The college background provides the right atmosphere for the youthful and gay spirit that prevails throughout. The ever dependable Patsy Kelly is extremely comical in the role of a football coach's wife, who has little respect for his ability or intelligence. The closing scenes are comical; there she takes matters into her own hands, winning the game for her husband's team. A newcomer to the screen, and one who is destined to make a hit, is young Judy Garland, an excellent singer of popular songs, with a natural flair for comedy:—

Haley, a football coach, by following the advice of Miss Kelly to use new tactics, brings fame to the college team he was training; they win game after game. They receive an invitation to play Yale, which was sent to them by accident. The entire college is overjoyed at what they presume to be the recognition of their talents. But their joy turns into despair when their leading player is injured and ordered not to play. Miss Kelly decides to go after talent and, discovering that bashful Stuart Erwin, a farmer, had a remarkable skill at throwing melons across a field, lures him and his sister to college. Erwin turns out to be a great player and is happy at college until Arline Judge, the college flirt, throws him over for another young man. But Miss Kelly, by a clever ruse, compels Miss Judge to confine her flirting to Erwin. The team, together with college representatives, leave for the Yale game, which they play during a blizzard. By luck they win, to the joy of their followers.

Arthur Sheekman, Nat Perrin and Mark Kelly wrote the story, and Harry Tugend, Jack Yellen and William Conselman the screen play; David Butler directed it, and Bogart Rogers produced it. In the cast are the Yacht Club Boys, Johnny Downs, Betty Grable, Dixie Dunbar, and others.

Suitable for all. Class A.

### **"Charge of the Light Brigade" with Errol Flynn and Olivia de Havilland**

(Warner Bros., November 7; time, 114 min.)

Excellent! It is a highly fictionalized story of the events leading up to the famous charge of the Light Brigade, as described in the Tennyson poem. Rarely has anything been seen to equal the thrill, the excitement, and the emotionally-stirring quality of the scenes of the charge. One is touched deeply by the sight of the six hundred who, though hopelessly outnumbered, ride to their death, so as to avenge the brutal tortures and murders of their families at the hands of Surat Khan (C. Henry Gordon), who was on the field with his army, fighting with the Russians against the English in Crimea. The direction in these scenes, aided by fine photography, is remarkably good; the men, on horseback, start at a slow trot, gradually pick up speed, and ride faster and faster, until they meet the enemy. The picture does not, however, depend on these scenes entirely for its entertainment value. There is a strong romantic interest, involving Errol Flynn and his brother (Patric Knowles), who are both in love with Olivia de Havilland. There are scenes of courage and thrills holding one's interest intense to the very end. Flynn is outstanding as the Captain, and later Major, of a regiment of English Lancers. He is so fine a character that one sympathizes deeply with him when he learns that Miss de Havilland loves his brother and not him. The nobleness of his character is shown to the best advantage when he permits his brother to believe that he was sending him back to General Headquarters to belittle him, when in reality his purpose was to prevent him from taking part in the charge, which meant sure death. Flynn is killed in the charge, as he had expected, but he dies happy knowing that he had been the first to spear the Surat Khan.

Michel Jacoby wrote the story, basing it on the famous poem, and he and Rowland Leigh the screen play; Michael Curtiz directed it and Hal Wallis produced it. In the cast are Henry Stephenson, Nigel Bruce, Donald Crisp, David Niven, G. P. Huntley, Jr., Robert Barrat, and others.

Suitable for all. Class A.



### "A Woman Rebels" with Katharine Hepburn and Herbert Marshall

(RKO, Nov. 6; time, 87½ min.)

Excellent entertainment. It should exert a powerful appeal particularly to women. In adapting this from the novel "Portrait of a Lady," the producers have wisely eliminated most of the sexy material, and have so ably handled the affair between Miss Hepburn and Van Heflin that only adults will understand the sex implication. The production and acting are outstanding; by her performance, Miss Hepburn should win back many followers. Several situations have a strong emotional appeal. The romance between Miss Hepburn and Herbert Marshall is handled with taste; it is extremely appealing. The background is England, of the Victorian era:—

Donald Crisp rules his children (Miss Hepburn and Elizabeth Allan) with an iron hand; he shows no affection to them. Miss Allan is docile but Miss Hepburn rebels. Miss Allan marries David Manners, a naval officer, and is extremely happy. After her sister's marriage, Miss Hepburn is so lonesome that she turns to Heflin for sympathy; she has an affair with him, and is heartbroken when he tells her he is a married man. She goes to her sister, in Italy. An accident during manoeuvres kills Manners and the shock sends Miss Allan to her death. A baby is born to Miss Hepburn and she passes it as her sister's. She returns to England, determined to make a living by work. She meets Herbert Marshall, a diplomat, and they fall in love. But she rejects his marriage proposal lest the fact that the baby is her own become known some day and ruin his diplomatic career. Her daughter (Doris Dudley) falls in love with Heflin's son and Miss Hepburn, to stop the affair, involves herself in a divorce scandal with Heflin. Marshall, who knew her secret, reveals to Miss Dudley that she is half-sister to the man she loves. This brings mother and daughter closer together. Miss Hepburn and Marshall marry.

Netta Syrett wrote the novel from which this was adapted, and Anthony Veiller and Ernest Vajda the screen play. Mark Sandrich directed it and Pandro S. Berman produced it. In the cast are Lucille Watson, and others.

Suitable for all. Class A.

### "Case of the Black Cat" with Ricardo Cortez

(First National, October 31; time, 65 min.)

A pretty good program murder mystery melodrama. It holds the spectator's attention because of the involved plot and the fact that the identity of the murderer is not disclosed until the end. The characters are kept moving about so that the action never lags. Ricardo Cortez, in the role of Perry Mason, the lawyer who solves the mystery, plays his part with realism, thereby making somewhat far-fetched situations seem logical. There is just a slight suggestion of romance between Cortez and June Travis, his secretary.

Erle Stanley Gardner wrote the story, and F. Hugh Herbert the screen play; William McGann directed it, and Bryan Foy produced it. In the cast are Gary Owen, and others.

Hardly suitable for children. Adult picture. Class B.

### "Everything is Thunder" with Constance Bennett and Douglass Montgomery

(Gaumont-British, October 1; time, 72½ min.)

A pretty good war melodrama. Although made up of familiar ingredients, it holds the attention throughout because of the sympathy one feels for Douglass Montgomery, a war prisoner, who makes many desperate attempts to escape. One is held in suspense for fear lest he be caught. The most thrilling situation is that in which Montgomery, who had bribed a German guard to let him escape, realizes that the guard intends to kill him; in a fierce battle with the guard he kills him. The closing scenes are exciting; there Montgomery and Constance Bennett, by means of false passports and costumes, evade inspectors and arrive at their destination, where they had arranged to meet the owner of the boat who was to smuggle them across the frontier. The sex situations have been handled discreetly: that Miss Bennett is a woman of the streets will be evident only to adults. One feels sympathy for her, for she is willing to sacrifice herself to help Montgomery, a soldier of an enemy country with whom she had fallen in love. One is held in suspense from the time the lovers attempt to escape together; they are followed by Oscar Homolka, a persistent government inspector, who discovers their hide-out. Homolka's final act should awaken one's sympathy; he sacrifices his own life to help the lovers escape, for he loved Miss Bennett and did not want to see her suffer

the consequences of having harbored in her home an enemy soldier. Miss Bennett is accidentally wounded by Homolka; she is carried to safety by Montgomery after Homolka frees them. Homolka dies from a bullet wound.

G. Krampf wrote the story, and Marian Dix and John Orton the screen play. Milton Rosmer directed it. In the cast are Roy Emerton, Frederick Lloyd, George Merritt, and others.

Children will not understand the sex situations; not suitable for adolescents. Adult entertainment. Class B.

### "Tugboat Princess" with Walter C. Kelly and Edith Fellows

(Columbia, October 15; time, 69 min.)

Mild program entertainment. Based on a familiar plot, it is developed without any novelty. Occasionally it drags. Some human interest is awakened by the relationship between Edith Fellows, an orphan, and Walter C. Kelly, her guardian, and by the love they show for each other; but this does not lift the picture above the level of mediocrity. Even the closing scenes, where Kelly risks his life during a thick fog to warn a steamer of its danger, are developed with a minimum of excitement. There is a slight romantic interest:—

Edith, whose parents had drowned in a shipwreck, lives with Kelly, captain of a tug, whom she adores. She is the pet of Lester Matthews, first mate, and Clyde Cook, the engineer. While playing with her dog, she falls off the dock into the water and is rescued by Matthews; she suffers a broken leg. Kelly takes her to a private hospital; this entails considerable expense. His business being practically at a standstill, he is compelled to go to his enemy and former rival (Reginald Hincks) for a thousand dollar loan, giving his tug as security. Kelly realizes he will have to do a rushing business in order to repay the loan. Upon her recovery, Edith is brought back to the tug only to be taken away by officers of the Children's Welfare Society and placed in a home; she escapes and goes back to Kelly. Kelly is out on an important towing job during a thick fog. Realizing that one of Hinck's vessels was heading for the reef, he cuts loose his tow line and crashes his tug into the vessel to give them warning, thus saving the vessel. Hincks, to show his appreciation, gives Kelly \$11,000, and the captaincy of his new tug. Matthews is made first mate and is thus enabled to marry Valerie Hobson, who had been Edith's nurse.

Dalton Trumbo and Isador Bernstein wrote the story, and Robert Watson the screen play. David Selman directed it and Kenneth J. Bishop produced it.

Suitable for all. Suitability, Class A.

### "Country Gentlemen" with Ole Olsen, Chic Johnson and Lila Lee

(Republic, Nov. 9; time, 68 min.)

Good entertainment. The comical gags and wisecracks are blended with a semi-serious story that manages to hold one's attention throughout. Some of the situations are extremely comical; this is so particularly at the beginning, where Olsen and Johnson, two promoters of fake stocks, by a clever ruse, walk out of their office and away from creditors and police. The serious angle revolves around Olsen's growing love for Lila Lee, owner of the hotel in the small town, where Olsen settles with Johnson, and his subsequent desire to go straight. Joyce Compton, as the beautiful but dumb secretary, adds to the gaiety. The closing scenes are pretty exciting; they are also comical:—

Olsen tells Johnson that he is through with the crooked business they had been conducting of selling stocks in a worthless gold mine; he tells him they must part. When they arrive at a small town at which veterans, who had just received their bonus, are stationed, Johnson cannot resist the temptation of again selling worthless bonds. Having bought inadvertently some property from Lila Lee, he forms an oil company and sells stock. He then starts digging. Olsen, knowing that Miss Lee will become involved when the truth is made known, becomes frantic. When the soldiers discover that there is no oil, they start a riot, demanding the return of their money. Dragging Olsen and Johnson to the property, they put dynamite in the well so as to blow up all the machinery. The explosion makes an oil gusher spout. At the same time the promoters receive word that gold had been found in their gold mine. Everyone now thinks they are clever and honest. Olsen marries Miss Lee.

Milton Raison, Jack Harvey and Jo Graham wrote the story, and Joseph Hoffman and Gertrude Orr the screen play; Ralph Staub directed it and Nat Levine produced it. In the cast are Pierre Watkin, Donald Kirke, and others.

Suitable for all. Class A.



In addition to these, MGM released "Smilin' Through," with Norma Shearer, which picture, although a re-issue, drew good crowds at the box offices of those exhibitors who played it.

Notice that, among the first ten MGM delivered to the exhibitors in the 1935-36 season, there were four excellent attractions—"China Seas," "Anna Karenina," "Broadway Melody," and "A Night at the Opera," in addition to "Smilin' Through," whereas among the first ten of this season there is only one "The Great Ziegfeld." Even pictures of the lesser grades were much better than are the picture of these grades this season.

Because of these facts, MGM should demand not higher percentages and more percentage pictures, but smaller percentages and a lesser number of such pictures than they demanded last season. How can an exhibitor conduct his theatre profitably with such low quality and box office worth pictures as MGM has set for release so far?

### TOO MUCH TALK IN PICTURES

I should like to receive letters from exhibitors now and then commiserating me for the tortures that I am compelled to endure as a result of the garrulousness of the characters in the majority of the pictures. Better yet, I should like to see some enterprising exhibitors raise a fund to have medals struck off, which may be presented to every motion picture reviewer in the nation, whether reviewing for a newspaper or a trade paper, in reward for their martyrdom. Foot after foot of film is wasted in gabbling—talking about matters that do not mean a thing.

It isn't so bad for those who go to a picture to be entertained, for if they do not like it they can walk out on it, but the poor critic must stay and suffer martyrdom.

Some one should try to convince Hollywood that action and not talk is what the picture-goers want.

But it is easier said than done. Who is going to broach the subject? Who is going to try to convince them that the senseless talk by the characters is driving people away from the theatres?

If any one should be brave enough to talk about the matter to the studio heads, he will be unsuccessful in his efforts, even if these heads agreed with him, for the reason that production today is dominated by the writers—it is they who determine how the scenario should be constructed. If the boss should, because of complaints from the sales departments in the east, make a suggestion toward improvement, these writers assume the hollier-than-thou attitude: "I know, because I have college degrees—you don't!" is their answer even though not in so many words; and since most such writers have been stage-play writers, the screen is aping the stage, where talk, of necessity, predominates.

The exhibitors have worked themselves up to the point of hysteria on account of the engagement of stars in radio hours. Here is an evil that deserves much greater attention by them. They should rise in a body, protesting against the talkativeness of the characters. They would have a better chance to bring about reforms,

for, in the matter of broadcasting by stars, there is a disagreement as to whether harm is done—whether the increase in the popularity of these stars does not more than offset the admission losses on the nights of the broadcasts; whereas none disagrees as to the losses the loquacity of the characters cause to the box offices.

### AN INTERESTING PUBLICITY STUNT

The October 26 Bulletin of Allied Theatre Owners of the Northwest has the following item:

"Some time ago this office received in its mail a card sent to all *Time* and *Fortune* subscribers in Minneapolis listing the Publix houses at which the *March of Time* is shown and informing the recipients of the card that they could be informed over the phone by the manager of 'their' theatre when the next issue of the *March of Time* would be shown.

"This office immediately dispatched a wire to *Time* objecting to this apparent favoritism. *Time's* quick explanatory response cooled us off some.

"It appears that all exhibitors of the *March of Time* are entitled to this same service and that only the chain saw fit to take advantage of it. In brief, the service is this: The exhibitor writes *Time*, 350 East 22nd Street, Chicago, Illinois, and informs *Time* of his desire to have this service. *Time* will immediately send out to all of its *Time* and *Fortune* subscribers in his town or city a post-card, on which the name of the theatre is printed, inviting the subscribers to return the card which will inform *Time* that the sender of the card wishes to be phoned every month just before the theatre exhibits the *March of Time*.

"This office does not pretend to know how much extra business this scheme will get you. At any rate, it costs you nothing and the *March of Time* on your screen, like *Time* magazine and *Fortune*, has quite an enthusiastic fan following throughout the country.

"Please do not get the idea that this office is conducting an advertising campaign for the *March of Time* or the RKO exchange. It is not. On the other hand, exhibitors may have overlooked a good bet by not reading their press books more closely and thus taking advantage of every merchandising angle offered by the exchanges with which you do business.

"Several exhibitors were disgruntled to find that the Minnesota Amusement Co. was apparently being helped by the *March of Time* at the expense of the independent exhibitor. Such was not the case. The independent exhibitor had merely overlooked a good bet through his failure to properly read and consider his press book.

"At any rate, here is an idea and—a word to the wise—

"S. D. KANE,  
"Executive Secretary."

It seems as if this publicity stunt is helpful and other *March of Time* customers should take advantage of it.

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### INSURE YOUR INCOME!

At the Allied States convention, held in Cleveland last May, W. A. (Al) Steffes, of Minneapolis, was appointed chairman of the Exhibitor Defense Committee.

The main function of this committee is to bring about a separation of exhibition from production-distribution.

Mr. Steffes has taken his job seriously: whenever an independent exhibitor convention is held, he rushes there, explains the program of the committee, and appeals for funds.

I was in Detroit last week, at the Michigan exhibitors' convention, and heard Mr. Steffes make his usual appeal. Within six minutes after the discussion of the subject had ended, the exhibitors present pledged \$22,000, even though only \$10,000 was asked.

I was also in Pittsburgh three weeks ago, where Mr. Steffes made a similar appeal. I don't know how much money was raised later on, but it must have been substantial.

The reason why those exhibitors who hear Mr. Steffes explain the program of the Committee come forward with pledges for funds is because, first, they realize that, in order for them to stay in business, they must stop the producers from operating or controlling theatres; secondly, they are satisfied with the sincerity of purpose of the members of the Committee; and thirdly, they feel that the program the Committee has adopted can, not only be put through, but also produce immediate results.

It is hardly prudent for this paper to give the outlines of the plan in these pages—to do so would be the same as if a General of an army gave his plan of attack to the enemy beforehand; all I can say is that every dollar you or any other exhibitor may contribute will be spent for this purpose and for no other.

Some of you belong to an Allied organization, and an appeal for your help will be made to you directly by the officers of your organization. But some of you either do not belong to an organization or are members of organizations that are not affiliated with Allied States. To such of you HARRISON'S REPORTS appeals for funds to enable the Committee to carry on the work to a successful conclusion.

The charge to each exhibitor has been put at a minimum of ten cents a seat, with a maximum to be determined by each exhibitor himself, all amounts to be paid to the treasurer of the Committee either at once or in ten equal monthly installments. Mr. James Ritter, of the Rialto Theatre, Detroit, Michigan, is the treasurer. I have known Mr. Ritter for years and I can assure you that they don't make them more honorable.

If your theatre has, for example, six hundred seats, charge yourself \$60; send Mr. Ritter either the entire amount, or your first installment of \$6, and continue paying monthly a similar amount until the full amount is paid. If your theatre has one thousand seats, you will want to contribute \$100, to be paid at the rate of \$10 a month, for ten months, unless you want to pay the whole amount at once.

Set yourself down for the proper amount, and send to Mr. Ritter your first installment. You would not think of conducting your theatre without insuring it against fire, or against lawsuits of some kind or other. Isn't it as profitable to you to insure the continued operation of your theatre? Remember that, unless the producers are made to give up theatre operation, you will not stay in business very long; now that business has improved and most theatres are showing a profit, the producers will use the profits from their own theatres either to buy you out or to build a theatre in your locality. So by helping the Committee put its plans into execution, you will insure your income for as long as you live, or for as long as you want to operate your theatre.

Do not let any one make you believe that a law separating

exhibition from production-distribution is unconstitutional; the drafting board of the Columbia University, which has drafted the proposed law, has assured Allied States Association that it is legal. This board intends to brief the proposed bill, citing similar laws on statute books today, to assure the lawmakers of its constitutionality.

### HOW THE BIG PICTURES NOW ON THE BOARD PERFORM AT THE BOX OFFICE

#### Columbia

Columbia has released no roadshow picture this season so far. It has one scheduled for release—"Lost Horizon."

"Lost Horizon" should, in the opinion of this writer, be retitled and called "Harry Cohn's Big Headache." It has cost Columbia, according to reliable reports, more than \$1,700,000. And the spending end is not yet in sight.

It is my opinion that this time Frank Capra went "hay-wire." I have not yet seen the picture, but while in Hollywood for a short time last August I learned that it is a magnificent production, as far as production values go. But what will be its fate at the box office? According to those who are in a position to know, it will prove of great interest to the classes, but the masses may not go for it.

The book on which Frank Capra founded the picture plot was forecast in *Harrison's Forecaster* last season (July, 1935). The following is what was said of the story material:

Under COMMENT: "The book is fantastic. It is rather a philosophical treatise on time. There is no story; the few facts are so beclouded that the reader is never sure what happens to the characters. . . . Most of the book is talk, a great deal of it philosophical, and although it is charming it will bore people were it transferred to the screen."

Under THE EDITOR'S OPINION: "It seems as if Frank Capra has 'missed' this time. People in America are not interested in pictures founded on fantastic subjects, particularly when they develop in Tibet. Several years ago, Samuel Goldwyn made a picture with the monks of Lassa, the Tibetan Capital, and with a Tibetan girl as the chief characters; but it proved a dismal failure. This picture, too, may fail, unless only the title is retained. Poor, even though it may be produced artistically."

At the time this forecast was made, the writer had no idea that so much money would be spent on the picture.

Frank Capra has, no doubt, made several alterations, not only in the plot, but also in the characterizations, improving it thereby. But still the picture seems suitable chiefly for the classes.

But in spite of the fact that it is a highbrow picture, you cannot afford to refrain from showing it, for, after all, pictures of this calibre add class to your theatre, and elevate the motion picture industry in general. Though the producers seem to have bitten more than they can chew, you must help them retrieve the cost, and even come out with a profit.

As far as Columbia is concerned, even if it should make a profit with it, it will have lost money, for with the money Mr. Capra has spent on it, and with the time he has consumed, he could have made two big pictures, which would undoubtedly have given a great profit not only to Columbia but also to the Columbia accounts.

#### Metro-Goldwyn-Mayer

MGM has released so far in this season one big picture—"The Great Ziegfeld." But according to reliable information, it is not setting the world afire.

This company has one more ready for release—"Romeo and Juliet." It is hard to predict how big will be the nose dive it will get in the subsequent runs; but I venture to

(Continued on last page)



### **"Here Comes Carter" with Ross Alexander and Anne Nagel**

(*First National, October 24; time, 58 min.*)

This is a pleasant hour's diversion. It is a fast-moving comedy, holding one's interest to the end. The closing scenes, where Ross Alexander defies a gangster by broadcasting information about him, hold one in tense suspense. Alexander, in the role of the wisecracking radio commentator, provokes laughter by his wisecracks and by the methods he uses to get out of compromising situations. The gangster angle is treated in a comical vein and has no demoralizing effect. A few songs are worked into the plot in a logical way and are sung by Anne Nagel pleasantly:—

Alexander, who had been discharged from a motion picture studio at the insistence of Craig Reynolds, a star, whom he had exposed as a wife deserter, becomes a radio commentator. His broadcasts consist of news about motion picture stars, particularly about Reynolds, whom he slanders. Miss Nagel, whom Alexander had helped obtain a position as a radio singer, a fact which was unknown to her, becomes annoyed at the type of news Alexander broadcasts and breaks her engagement to him. Alexander is severely beaten by thugs hired by Reynolds. He finds out the identity of the leader of the gang and, although threatened, broadcasts the fact that the leader is none other than Reynolds' brother. The police arrive at the broadcasting station in time to capture the gangster leader, who had arrived there intent on killing Alexander. Miss Nagel forgives Alexander.

M. Jacoby wrote the story, and Roy Chanslor the screen play. William Clemens directed it. In the cast are Glenda Farrell, Hobart Cavanaugh, George E. Stone, and others. Suitable for all. Class A.

### **"Polo Joe" with Joe E. Brown**

(*Warner Bros., December 5; time, 65 min.*)

Just a fair program comedy. Joe E. Brown is the whole show and works pretty hard to get laughs out of silly situations; but it is pretty mild entertainment up until the closing scenes, which are the funniest. There Brown, who knew nothing about polo and was afraid of horses, is compelled to play in an important match and, to his surprise, scores all the goals. One other comical situation is that in which Brown has to beat up two thugs to stay with him after he had engaged them to hold him a prisoner, so that he might not appear in the polo match. Some of the laughter is provoked when Brown tries to practice polo in his home:—

Brown, after having spent several years in China, returns to America and goes to an aunt's home to live. He meets and falls in love with Carol Hughes, the neighbor's daughter. To his disappointment, he finds that the family is polo crazy and that Miss Hughes will not marry a man unless he is a good polo player. He talks them into believing that he is an expert player, expressing his sorrow that he cannot play in the arranged important match. One of the players is injured and, to his dismay, he is asked to take his place. He engages two thugs to kidnap him and hold him prisoner until after the game. But the thugs, instead of accepting the fee, decide to demand ransom money from Brown's aunt. They collect \$5,000. Brown's hiding place is discovered and his friends rush to his rescue, thinking he had been kidnapped. Unable to find another excuse, he is compelled to play. He goes into the game wearing a rubber tube, to help him keep his position on the horse. Fate helps him score all the goals, and he is acclaimed a hero. He wins Miss Hughes as his bride.

Peter Milne and Hugh Cummings wrote the original story and the screen play; William McGann directed it, and Bryan Foy produced it. In the cast are Skeets Gallagher, Joseph King, Olive Tell, Gordon Elliott, and others.

Suitable for all. Class A.

### **"Come and Get It" with Edward Arnold, Frances Farmer and Joel McCrea**

(*United Artists, November 6; time, 97½ min.*)

Excellent. It is the type of entertainment that should appeal to most adults, for it is virile and dramatic, as well as comical and romantic. And from a production standpoint it is outstanding, for not one detail has been missed in reproducing the styles and settings of the period between 1884 and 1907, during which time the action unfolds. The scenes at the lumber camp, which show how the logs are transported to the saw mill, add considerable interest. One of the most thrilling and at the same time most comical situations

is that which shows the barroom fight in which Edward Arnold, Frances Farmer, and Walter Brennan battle against thugs; they break up everything, overpowering their assailants. The character portrayed by Arnold is not very pleasant; nevertheless one cannot help being in sympathy with him, for one feels that his actions were motivated by an uncontrollable ambition. For instance, although he loves Miss Farmer, a dance hall hostess, he knows that if he marries her he will be giving up his chance to become somebody; therefore, he jilts her and marries Mary Nash, his employer's daughter. And in later years one can even understand his passion for the daughter of Miss Farmer, who had married Brennan when jilted by him; he, Arnold, was an unhappy man, and when he saw the daughter (also played by Miss Farmer) all the memories of his first love are brought back to him. The producers have shown discretion in the handling of the final conflict between father and son (Joel McCrea), both of whom loved the same girl. The scene in which Arnold finds McCrea making love to Miss Farmer is extremely dramatic. McCrea awakens sympathy because of the difficult position he finds himself in. The manner in which he attempts to control his father's temper so as to make him see how unreasonable he is wins one's respect. In the closing scenes Arnold's disappointment and grief at losing Miss Farmer, who had left to marry McCrea, leaving him a broken man, awakens one's pity.

Edna Ferber wrote the novel from which the plot was adapted; Jane Murfin and Jules Furthman wrote the screen play; William Wyler and Howard Hawks directed it, and Samuel Goldwyn produced it. In the cast are Andrea Leeds, Frank Shields, Mady Christians, and others.

Not for children. Excellent for adults. Class B.

### **"As You Like It" with Elisabeth Bergner**

(*20th Century-Fox, January 8; time, 95½ min.*)

This is an artistic achievement, but it is entertainment only for class audiences. The production and acting are of the highest order—Elisabeth Bergner in particular is excellent in the role of Rosalind. But it is not a picture for general run; it should fare best in theatres that cater to the seekers of unusual entertainment—the average picture-goer will be bored, for he will not understand the subtlety and humor of the text. The play itself is not one of Shakespeare's best; it depends for its entertainment value entirely on expert performances:—

Rosalind, daughter of the banished duke, is turned out of Duke Frederick's home, where she had been living, because he felt that the people loved her and sympathized with her too much. Celia, the Duke's daughter, refuses to be parted from her cousin Rosalind and runs away with her. Rosalind, fearing that it would be dangerous for two maidens to travel alone, disguises herself as a young man. In the woods she meets Orlando, who had run away from his brother's home, for his brother mistreated him and refused to give him his inheritance. She had met him once before—at Duke Frederick's home, where he had distinguished himself in a wrestling match. He writes verses to Rosalind; but Rosalind does not tell him she is his love. Instead she torments him, pretending to want to cure him of his love. Orlando's brother follows him to the woods where he becomes a changed man when Orlando risks his life to save him. He falls in love with Celia. Rosalind tells Orlando who she is, and arranges for a double wedding. The banished duke, who had been living with his followers in the woods, comes to the wedding and is overjoyed to find his own daughter Rosalind. Duke Frederick turns to religion, deeding all the property to his banished brother.

Robert Cullen wrote the screen play and Paul Czinner directed and produced it. In the cast are Laurence Olivier, Henry Ainsley, Sophie Stewart, and others.

Suitable for all. Suitability, Class A.

### **"Easy to Take" with Marsha Hunt and John Howard**

(*Paramount, November 6; time, 65 min.*)

Mild program comedy. The story is far-fetched and the outcome quite obvious. The one bright spot is a radio broadcast by children, who give excellent performances; audiences should laugh heartily at the way one of the youngsters sings a song. The romantic interest is developed in the routine manner with so much bickering that it becomes tiresome. One feels sympathy for John Howard (hero), who undertakes to support a family who believed that they had inherited wealth when in reality the estate



was bankrupt. Eugene Pallette, as Howard's manager, provokes laughter by his efforts to put Howard's name on the front page of newspapers:—

Howard, a broadcaster of bedtime stories for children, hates his work and dislikes children. He is annoyed when the will of a presumably wealthy spinster designates him as guardian of her nephew, the sole heir; he decides to refuse the guardianship. But he is provoked when Marsha Hunt, the heir's sister, accuses him of being a fortune hunter; he accepts the post just to show her how wrong she is. When he learns from the family lawyer that the three million dollar inheritance was all a mistake, that the estate was bankrupt, he continues to support her and her brother in comfort without revealing to her the state of her affairs. He decides to accept a radio offer in which he will broadcast with the young heir. Miss Hunt is enraged and insults Howard. But she regrets this when she eventually learns about his good deeds. Howard forgives her and proposes marriage.

Wayne Kilbourne wrote the story, and Virginia VanUpp the screen play; Glenn Tryon directed it and Jack Cunningham produced it. In the cast are Richard Carle, Douglas Scott, and others.

Suitable for all. Class A.

### **"Along Came Love" with Irene Hervey and Charles Starrett**

(Paramount, November 6; time, 66 min.)

Good program entertainment. It is a romantic comedy and, despite its thin plot, should satisfy class audiences because of the delightful performances of the leading players. Irene Hervey handles the part of the romantically inclined heroine so well that she makes what would have been a silly character likeable and charming. One is in deep sympathy with her efforts to attract the attention of Charles Starrett (hero), and with the simplicity with which she declares her love for him. There are several extremely amusing situations. The wisecracking of Bernadene Hayes and Irene Franklin adds to the gaiety:—

Miss Hervey, a clerk in the basement of a large department store, has romantic dreams about the type of man she should like to marry. She accidentally meets Starrett, a doorman at a theatre, and feels certain that he is the man of her dreams. She learns that the theatre position was just a sideline to keep him going while studying medicine. He is so completely wrapped up in his studies that it takes him a long time to notice Miss Hervey's charms. They are soon very much in love and plan to marry. Miss Franklin, not wishing to be a burden on Miss Hervey (her daughter) any longer, accepts a position in a burlesque show. The place is raided and her picture appears in the papers. H. B. Warner, a physician who had Starrett's welfare at heart, begs Miss Hervey to give him up because he felt that she and her mother would ruin his career; she agrees to this. Eventually everything is adjusted—when Miss Franklin marries the manager of the department store, thereby acquiring a good name and wealth. The young lovers are joyfully reunited.

Austin Strong wrote the original screen play and Bert Lytell directed it. Richard A. Rowland produced it. In the cast are Doris Kenyon, Ferdinand Gottschalk, Charles Judels, and others.

Suitable for all. Class A.

### **"Yellow Cargo" with Conrad Nagel and Eleanor Hunt**

(Grand National, October 6; time, 63 min.)

A mildly entertaining program action-melodrama, suitable mostly for small towns. It is the first of a series of four pictures starring Conrad Nagel and Eleanor Hunt as federal agents. The outdoor scenes are not so bad; but the interior sets look extremely poor, cheapening the production as a whole. The closing scenes, where the smugglers plan to kill Nagel and Miss Hunt, are fairly exciting. The comedy is provoked by wisecracks:—

Nagel, a federal agent, goes to California to trace a gang of smugglers who smuggled Chinamen across the border; this gang had killed his pal. Posing as an actor looking for a position in some studio, he meets Miss Hunt, a newspaper reporter; she promises to help him. Her suspicions had been aroused by the peculiar actions of the officials of a new producing company; they had refused to give her any information and seemed to dislike publicity. She tells Nagel of this and he immediately proceeds to obtain a part as an extra in an outdoor scene where he and other men were to appear dressed as Chinese. By doing this he learns that the producing company was used just as a blind for smuggling

Chinese. The smugglers find out who he is, and hold him and Miss Hunt captives, intending to kill them. But the police arrive in time to round up the gang. Both Nagel and Miss Hunt confess that each knew all along that the other was a federal agent.

Crane Wilbur wrote the screen play and directed the picture. In the cast are Vince Barnett, Jack LaRue, Claudia Dell, and others.

Unsuitable for children. Suitability, Class B.

### **"All American Chump" with Stuart Erwin, Robert Armstrong and Betty Furness**

(MGM, October 16; time, 63 min.)

Fairly good program comedy. The comical situations are provoked by the naivete of Stuart Erwin, who does not realize the unusualness of his skill at mathematical problems. One of the most amusing situations is where Erwin, who, owing to a blow on the head, had lost his ability to do rapid calculations, regains control of his senses. Edward Brophy is extremely comical in the part of a gangster, who attempts to be tough, but who wilts in the presence of his chief. The love interest is mild:—

Robert Armstrong, whose carnival outfit had been broken up by irate customers who thought they were cheated, feels that he has a gold mine in Erwin, whom he had found working in a bank. Erwin could do any mathematical problem just as fast and as accurately as any machine. Armstrong's dreams of riches fade when he realizes that the public is not interested in Erwin's genius. But Erwin comes to the rescue; by defeating E. E. Clive, the recognized national bridge authority, at bridge, he gets front page publicity. Clive's manager offers Armstrong \$15,000 on condition that Erwin play and beat Clive in a public match to run several nights. Brophy and his gangster pals try to force Erwin to throw the match but he refuses and outwits them. He wins the \$15,000 but is heartbroken when he realizes that Betty Furness, one of his partners, had pretended to love him in order to keep him with them. He denounces her and leaves for his country home, even refusing his share of the profits. He eventually arrives home and is overjoyed to find Miss Furness there. She had used his share of the money to buy a farm. She tells Erwin she really loves him.

Lawrence Kimble wrote the original screen play, Edwin L. Marin directed it, and Lucien Hubbard and Michael Foster produced it. In the cast are Dewey Robinson, Eddie Shubert, and others.

Suitable for all. Class A.

### **"Under Your Spell" with Lawrence Tibbett and Wendy Barrie**

(20th Century-Fox, November 6; time, 62 min.)

A fair program comedy with music. The plot is thin, merely serving as a means for Lawrence Tibbett to sing at frequent intervals. Mr. Tibbett sings the music (ranging from operatic arias to popular melodies) excellently and should delight music lovers; but his sudden outbursts into song seem, at times, out of place; they slow up the action. As far as the masses are concerned, the comedy sequences will be most appreciated. Arthur Treacher and Gregory Ratoff, with ordinary material, do their best to provoke laughter. The romance is pleasant:—

Tibbett, a popular singer, is kept busy from morning to night filling engagements on the radio, at the opera, at concerts, and elsewhere, arranged for him by Ratoff, his diligent manager. He finally rebels and runs away to a country village in New Mexico where he had lived as a child; there he finds peace and quiet. Wendy Barrie, an extremely wealthy but spoiled debutante, is enraged at Tibbett for having walked out on a contract she had made with Ratoff for his appearance at her party. Her main purpose in having him sing was to spite her society rivals, for no one had been able to get him to sing at a party. She goes to his mountain retreat and pleads with him to return. There she falls in love with him. Ratoff uses her name as a means of obtaining more publicity. This enrages Miss Barrie, who believes that Tibbett was a party to the publicity stunt. She returns to the city, and refuses to see Tibbett when he calls. She plans to marry a Count. But Tibbett, by spanking her, makes her listen to reason. She marries him instead of the Count.

Bernice Mason and Cy Bartlett wrote the story, and Frances Hyland and Saul Elkins the screen play. Otto L. Preminger directed it, and John Stone produced it.

Suitable for all. Class A.



say that it will be pretty big, despite the presence in the cast of Norma Shearer. Still you cannot afford to leave such a picture unplayed. It will undoubtedly draw a number of new patrons to your theatre, making some of them permanent patrons, perhaps.

### Paramount

This company has not yet released any roadshow pictures this season. The nearest to such calibre pictures are: "The General Died at Dawn," which is doing well in the first-run situations, but not so well in smaller towns; "Valiant Is the Word for Carrie," which should do well everywhere, because it is a human story, and "The Big Broadcast," which, although it has been founded on a thin story, has enough celebrities in it to enable it to draw the crowds everywhere. The other pictures this company has so far released, with the exception of "Texas Rangers," which is a glorified western, produced on a large scale, do not mean a great deal—they are all program grade pictures.

### Republic

"Follow Your Heart" is of big magnitude, although it has not been so lucky at the box office, for the reason, it seems, that Marion Talley, although her singing is excellent, speaks with a twang. Yet you should book it and thus encourage this company to make big pictures.

### RKO

This company has not yet released any roadshow pictures in the 1936-37 season. But in the last part of the 1935-36 season it released two pictures which, although not roadshow pictures, are nearly of that calibre—"Mary of Scotland," and "Swing Time."

"Swing Time" is going over big, but "Mary of Scotland" is not proving a big box office attraction on account of the fact that it is a costume play. Yet the picture is highly meritorious. For this reason not only none of you can afford to overlook it, but should you play it you should put back of it a big exploitation campaign so that you may make it draw and remunerate the producers, encouraging them to continue exerting great efforts toward making big pictures.

### Twentieth Century-Fox

This company has not yet released a roadshow picture this season. The nearest picture of this type is "Sing, Baby, Sing" which is drawing great crowds.

### United Artists

"Dodsworth" is a great picture, and Sam Goldwyn deserves credit for producing it. Unfortunately, it is not a picture that will draw big crowds in the subsequent runs. Yet you cannot afford to overlook it. You must show it.

"Gay Desperado": Though not of roadshow calibre, being, in fact, no more than a good picture of slightly higher than program grade, it is going over well, because of its liveliness and of the singing of Nino Martini.

"Garden of Allah" has not yet been shown in this territory. It has been produced in technicolor. It is a sombre subject.

"Come and Get It": Mr. Goldwyn, the producer of it, again deserves credit. It is an excellent picture and should draw big crowds.

### Universal

"My Man Godfrey" is the biggest picture Universal has so far released this season, and although not of roadshow calibre it is nearly such, and is drawing very well.

### Warner Bros.

"Midsummer Night's Dream" is of roadshow calibre; more than \$2,000,000 was spent on it. But it is doubtful whether Warner Bros. will be able to get its money back in the length of time other pictures of this calibre bring their cost back. It is, as every one of you no doubt knows by this time, a fantastic story—the Shakespearian poetic whimsicality.

During the last part of the 1935-36 season, this company released two big pictures: "Green Pastures," and "Anthony Adverse."

"Green Pastures" is proving a disappointment to the box office. The masses walk out on it.

The following was the prediction in *Harrison's Forecaster* for the 1935-36 season (June 25, 1935):

"Though the material is noble and inspiring to an audience, I fear that it is not suitable for a talking picture, by reason of the fact that the cast will have to consist entirely of negro people, and experience has taught us that pictures with an all-negro cast do not go over with American audiences. 'Emperor Jones,' 'Hallelujah,' 'Hearts in Dixie' and others furnish the proof. The best that this material

can make is a picture of a quality anywhere from good to very good, but suitable only for the select few. And this, only if it is handled with care, for the material is considerably risky—it calls for the presentation of God by a mortal, and a negro at that."

The picture, as far as production values go, turned out of a roadshow calibre, but it appeals only to the highbrows, just as *Harrison's Forecaster* predicted.

"Anthony Adverse": This picture is faring well at the box office, because of the fame of the book, and of the presence of Fredric March in the cast.

## THE REASONS WHY THE PRODUCERS MAY GRANT REFORMS

In Detroit I was asked at the meeting whether the producers will or will not grant the reforms that have been demanded by the Committee of M.P.T.O.A. My reply was that the producers kept the matter of industry reforms in abeyance until they found out who would be elected President of the United States. If Landon had been elected, you would not have heard any more about trade reforms; but now that Mr. Roosevelt has been reelected, I would not be surprised if they granted some concessions so that they might be able to point out to the Government, in case of exhibitor agitation, that they have already "granted" whatever reforms the exhibitors have demanded, and that it is unnecessary to pass any law to bring about reforms. You see they can always present their M.P.T.O.A. subsidiary as an independent exhibitor organization.

But even if the producers should grant these reforms, you should not be dissuaded from carrying on your legislative program.

## THE MGM SITUATION

In last week's issue the first eleven pictures released by MGM this season were compared with the first eleven pictures that were released last season. That comparison showed that this season's group has only one big picture, whereas last season's group had five. And even at that, this season's one big picture—"The Great Ziegfeld"—is not going over so "hot"; in the Philadelphia zone, the Warner theatres have not increased the prices of admission on this picture, and according to reliable reports many of the independent theatres prefer not play it rather than give the distributor forty per cent of their gross receipts.

In studying the situation over, this writer has come to the conclusion that there is something wrong somewhere in the present MGM set up, for the old heads would not have made the mistake of demanding from the exhibitors these high prices and the unreasonable terms, with so little to offer; I am inclined to believe that they were influenced by Al Lichtman, formerly general manager of United Artists. Mr. Lichtman, as you know, has been engaged by Nick Schenck, head of Loew's and of Metro-Goldwyn-Mayer, to be an official of that company, and proceeded to show the old salts how to get from the exhibitors more money. Evidently he put his views before the old executives so convincingly that his plan was adopted. It is difficult to give another interpretation to the motives that prompted the old heads to adopt this new policy. And they are suffering for it, for the independent exhibitors simply will not buy the MGM product, since they feel that, to sign a contract on their present terms, it would be business suicide.

Perhaps Mr. Lichtman, if his is the new policy, feels that the exhibitors will, sooner or later, come into the fold. But here is where he is mistaken: when the exhibitors find out that they can get along without the MGM pictures it will not be so easy for the MGM salesmen to obtain from the exhibitors even last year's prices. At the convention of Allied Theatre Owners of Michigan, which I attended last week in Detroit, I was told by at least one prominent exhibitor, one who pays big prices for his films, that my comparison of this season's first eleven with last season's opened his eyes. "My application has been rejected," he said. "I am glad of it. If they come around again, I am going to offer them much less."

The organized exhibitors of the Philadelphia zone, in their October 30 Bulletin, dubbed Al Lichtman "The Exhibitor's Enemy No. 1."

Incidentally, I may remind you of the fact that Al is the fellow who conceived the "Exclusive Sales Policy" while he was head of the sales department of United Artists. At that time I predicted that that sales policy would fail dismally. It did fail, dismally.



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### METRO'S STANDARD SALES TERMS

The following is the sales policy which Al Lichtman is said to have induced the MGM sales department to adopt:

#### PLAN No. 1:

- (1) 4 pictures at 40% of the gross receipts,
- (2) 6 pictures at 35% of the gross receipts,
- (3) 6 pictures at 30% of the gross receipts,
- (4) 14 pictures at 25% of the gross receipts,
- (5) 22 pictures on a flat rental basis.

#### PLAN No. 2:

- (1) 4 pictures at 40% of the gross receipts,
- (2) 12 pictures at the average amount of money taken in by MGM on twelve of the outstanding productions played by the exhibitor in the two previous seasons.

Let us illustrate: The best pictures for the two previous seasons were about the following:

1934-35 season: "Chained," "The Barretts of Wimpole Street," "Merry Widow," "David Copperfield," "After Office Hours," "Naughty Marietta," "Escapade," "I Live My Life," "Rendezvous," "Mutiny on the Bounty," and "Suzy."

1935-36 season: "China Seas," "Anna Karenina," "Broadway Melody," "A Night at the Opera," "A Tale of Two Cities," "Rose Marie," "Wife vs. Secretary," "San Francisco," "His Brother's Wife," "The Gorgeous Hussy," "The Devil is a Sissy," and "Libeled Lady."

According to provision (2), of Plan No. 2, MGM, in order to arrive at the "average," will take out of these two groups the twelve pictures that brought the highest film rentals, add these rentals together, and divide the total by 12.

(3) 14 pictures at 70% of the "average" as in provision (2), of plan No. 2.

(4) 22 pictures at the flat rental prices paid by the exhibitor last season.

In view of the fact that almost all these pictures were played on Preferred Playing Time, you may readily see how ruinous is this plan. Ruinous is also Plan No. 1, for the reason that, in the 1935-36 season, the pictures of provisions (1) and (2) were bought on a flat rental basis at reasonable terms, whereas, according to this Plan, 14 of these pictures must be played on the basis of 25% of the gross receipts, and the flat rentals of the 22 pictures are to be much higher than were the flat rentals of last season.

Under these circumstances, do you wonder why few exhibitors have bought MGM pictures this season?

Even if this season's pictures were as good as last season's, the exhibitors, according to the statements made to the writer by many of them, not only

in this territory but in Detroit and Pittsburgh, would have acted no differently from the way they are acting now. They feel that it is useless for them to buy these pictures when they will have to take the profits from the other companies' pictures to cover their losses.

The exhibitors of the Philadelphia zone attribute the new sales policy of Al Lichtman. If Mr. Lichtman is the sponsor of it, then the MGM executives have allowed themselves to be bamboozled by an impossible visionary. They worked years to gain the good will of the exhibitor and are about to lose it in one season.

The following is what was printed in *Contact*, the house organ of the organized exhibitors of the Philadelphia zone, under the heading, "The Exhibitors Enemy No. 1":

"Al Lichtman is generally credited with being the father of Metro's new 40-35-30% sales policy. Like the proud papa that he is, Al has not yet denied the parentage.

"Al is also given credit for devising the ten picture cancellation scheme last Spring whereby the customers of Metro were 'induced' to waive their rights to ten top-notch attractions and accept instead ten pictures of ordinary program quality.

"Was Al's new sales scheme dictated by necessity? Was Metro underpaid last season for its pictures? Were the stars, or the directors, or the executives, or even the stockholders denied a fair return for their work and investment? Everybody knows the answer to these questions.

"The late Irving S. Thalberg left a fortune of about \$10,000,000. Louis B. Mayer is reputed to be worth \$50,000,000. Metro stars and directors are the mostly high paid in the industry. And the exhibitors, who invested their best playing time in Metro during the past season, what did they get in the most prosperous season in the past ten years? Let every Metro user answer that.

"Al Lichtman's new sales scheme is a fitting climax to a career devoted to soaking the exhibitor. As sales head for many years of United Artists his unconscionable film rentals and refusal to adjust oversold situations brought down upon his company the wrath of a nation of theatre owners.

"What Al did for United Artists he will undoubtedly do for Metro. The exhibitor goodwill built up by years of fair dealing is being destroyed by a sales policy so unjust that the exhibitors are up in arms in protest over it. But Al has a new job and he intends to make good—even at the expense of Metro's most prized asset—the exhibitors' goodwill.

"When the news was flashed some months ago

(Continued on last page)



### "Love Letters of a Star" with Henry Hunter and Polly Rowles

(*Universal, Nov. 8; time, 65 min.*)

A pretty good program murder mystery melodrama. It holds one's attention to the end and keeps the audience guessing as to the identity of the murderer, which is not revealed until the end, and which should prove a surprise. Several situations hold one in tense suspense. The closing scenes where the murderer is cornered are the most exciting. The atmosphere is pretty heavy throughout, because of the lack of comedy relief. The romantic interest has no bearing on the plot.

Before marrying Henry Hunter, Mary Alice Rice had written love letters to Ralph Forbes, a matinee idol. Forbes' former dresser was blackmailing her, and she, fearing she might bring disgrace to her family, kills herself. Rolly Lloyd, the dresser's agent, calls on the family with the letters for more blackmail money. In a quarrel that follows Hunter pushes him and he falls, striking his head and dying. The family know that if they call in the police the newspapers will carry scandalous stories about the dead girl. They dump the body, but are found out. C. Henry Gordon, the detective in charge of the case, follows them aboard their yacht and questions them; he believes their story about the accident. Forbes, who had joined the family on the yacht, is murdered. Gordon corners the murderer (Hobart Cavanaugh), who had followed the family to the yacht with the intention of killing Forbes, the only man who knew his identity.

Rufus King wrote the story, and Lewis R. Foster, Milton Carruth and James Mulhauser the screen play. Lewis R. Foster and Milton Carruth directed it and E. M. Asher produced it. In the cast are Walter Coy, Alma Kruger, and others.

The murders and blackmail make it unsuitable for children. Adult entertainment. Class B.

### "Can This Be Dixie?" with Jane Withers and Slim Summerville

(*20th Century-Fox, Nov. 13; time, 69½ min.*)

Pretty good. The story is too silly to be taken seriously; but the producers have wisely covered it up with peppy music and dancing, and, instead of putting the entire entertainment on Jane Withers' shoulders, have surrounded her with an excellent cast. Most of the singing and dancing is performed by talented colored actors, with Miss Withers contributing her share. It burlesques the South and its traditions in a friendly way in the character of a Colonel impersonated by Claude Gillingwater. He provokes laughter by his contempt for Yankees and his constant threats to shoot himself:—

Gillingwater takes Summerville and Jane into his home when the Sheriff attacks their property. He is enraged when Donald Cook, the bank's representative, puts his house up for sale for debts he owes. Cook tells Helen Wood, Gillingwater's granddaughter, that if she will marry him he will cancel the mortgage and debts. She consents, much to her grandfather's disgust. Jane and Summerville decide to take Gillingwater's colored workers to New York for theatrical performances. They score a success and make enough money with which to return home in time to stop the wedding. Miss Wood marries Thomas Beck instead, even though he is a Northerner. They all become very rich by canning the Colonel's famous mint julep.

Lamar Trotti and George Marshall wrote the story, and Lamar Trotti the screen play. George Marshall directed it and Sol M. Wurtzel produced it. In the cast are Sara Haden, and others.

Suitable for all. Class A.

### "Theodora Goes Wild" with Irene Dunne and Melvyn Douglass

(*Columbia, November 12; time, 93½ min.*)

Highly enjoyable. There are laughs all the way through. It is a romantic farce-comedy, in which Miss Dunne excels as a comedienne. Melvyn Douglass, too, gives a surprising performance. The results are, of course, owed to the adroit handling of his players and of the situations by the director; he takes advantage of every chance to get a laugh.

The story has its start when Theodora Mitchell (Irene Dunne), a small town girl, writes a naughty novel. Its appearance in a local paper in installments under a fictitious name (Caroline Adams) stirs a hornet's nest; some busy-bodies call a protest meeting and Theodora is compelled to take part in it and to add her denunciation of the book to that of the other women. She goes to New York and pleads with

her publisher (Thurston Hall) never to reveal her identity. While in New York she meets Michael Grant (Melvyn Douglass); he is so attracted to her that he begins to make love to her. When Theodora returns to her home town, he follows her there, and she not only cannot get rid of him but he applies to her maiden aunts, with whom she lives, for a job as a gardener. But things go too far; she falls in love with him. When he finds this out he leaves town, because he, being married, could not return her love. Theodora is shocked when she finds him gone and goes to New York. There she learns the truth. But when she finds out that he is not on friendly terms with his wife, she determines to compel him to obtain a divorce. After many amusing complications she succeeds.

Mary McCarthy wrote the story and Sidney Buchman the screen play; Richard Boleslawski directed it. Some of the others in the cast are Thomas Mitchell, Rosalind Keith, Spring Byington, Margaret McWade, Henry Kolker and Elizabeth Risdon.

Because of the divorce, it is a B picture for Catholics. For others, it is suitable for the entire family—Class A.

### "Song of the Gringo" with Tex Ritter

(*Grand National, November 22; time, 62 min.*)

Nice program western, the story of which does not follow the usual formula; it is somewhat different. There is comedy, some music, and many thrills.

The story deals with the hero, a U. S. Deputy Marshall, who is detailed by his superior to round up a gang of killers. By having himself chased as a would-be criminal, he gets into the confidence of the guilty persons and is made one of the gang. In this manner he is able to accomplish his object. He falls in love with the daughter of the man who had been used by the criminals as a tool without his knowledge.

John P. McCarthy directed it, under the supervision of Lindsley Parsons. It is an Edward Finney production. Joan Woodbury is the heroine. Some others in the cast are Fuzzy Knight, Monte Blue, Warner Richmond, Al Jennings and William Desmond.

Good for the entire family. Suitability, Class A.

### "Come Closer Folks" with James Dunn and Marian Marsh

(*Columbia, Nov. 7; running time, 61 min.*)

There's not much to recommend in this. It is a far-fetched melodrama that talks itself to death. The actions of James Dunn, the hero, are extremely distasteful, and it is not until the end that he reforms. But by that time one is so annoyed at his former actions that one feels no sympathy for him. During the first half, Miss Marsh appears as an old-maid, with glasses and ugly clothes; this seems so ridiculous that people will laugh at her appearance. The love affair is developed in the routine manner:—

Dunn, a street peddler, decides to invade small towns with a crew of trained men. By giving a good talk, they are able to sell worthless merchandise. Miss Marsh, owner of a department store, is so annoyed when Dunn stations himself outside her store selling bad watches that she has him arrested; but later she puts up bail for him. She offers him a position in her store; he becomes a great help to her. He teaches her how to dress properly and is himself amazed at the result. They fall in love with each other. Dunn, sent by Miss Marsh to the city with \$5,000 to make purchases, arranges with Herman Bing, a manufacturer of cheap merchandise, to send certain articles for which he is to charge double the price, and then to split the difference with him. When he returns to the store he regrets his move and tries to stop the order; but it is too late. Wynne Gibson, Dunn's former partner, angry because he had given up his crooked practices, tells Miss Marsh about Dunn's crooked deal with Bing. Miss Marsh orders Dunn out of the store. Because of the poor merchandise Dunn had bought there are many complaints and things look pretty bad. Gene Lockhart, her father, realizing that Dunn was necessary to their business, goes in search of him and finds him in a cheap auction store; he brings him back to the store. The lovers are reunited.

Aben Kandel wrote the story, and Lee Loeb and Harold Buchman the screen play. D. Ross Lederman directed it, and Ben Pivar produced it. In the cast are John Galaudet, and others.

Not particularly good for children. Adult entertainment. Class B.



**"Mad Holiday" with Edmund Lowe,  
Elissa Landi and Ted Healy**  
(MGM, November 13; time, 71 min.)

A fair murder mystery melodrama of program grade; the production is above average. It holds one's attention and keeps one guessing until the end, when the murderer's identity is made known. The comedy, most of which is provided by Ted Healy's antics as a publicity agent, is of great help, for each time the story lets down Healy comes to the rescue, provoking hearty laughs by his wisecracks. Zasu Pitts is amusing in the part of a silly snooper, who wants to be informed of everything that is going on. The closing scenes are exciting; there Edmund Lowe, by a ruse, traps the murderer. The love interest is developed in a light and pleasant manner:—

Lowe, a motion picture star, tired of portraying the role of a detective on the screen, decides to take a holiday. He books passage on a liner and to his disgust finds that Healy, his publicity agent, and a cameraman are sailing with him. Healy, with the aid of Elissa Landi, the writer of the detective stories in which Lowe had acted but whom he had never met, involves Lowe in a fake murder just to revive his interest in detective stories. It works; Lowe accepts the joke good-naturedly and becomes good friends with Miss Landi. A real murder is committed and the body put in Lowe's stateroom, and Lowe and Miss Landi become actively engaged in solving the murder. Eventually they realize that they are in love with each other.

Joseph Santley wrote the story, and Florence Ryerson and Edgar Allan Woolf the screen play. George B. Seitz directed it and Harry Rapf produced it. In the cast are Edmund Gwenn, Edgar Kennedy, Soo Young, Walter Kingsford, and others.

The murders make it unsuitable for children. Good for adults. Class B.

**"Our Relations" with Stan Laurel  
and Oliver Hardy**

(MGM, Oct. 30; running time, 72 min.)

This typical Laurel and Hardy slapstick farce is funny for the first thirty minutes; after that it becomes tiresome because of repetitious situations. Mistaken identity is the basis for the comedy situations, Laurel and Hardy taking dual roles, that of two sets of twins. Some of the situations are extremely comical. The scenes that show the innocent pair being blamed and punished for the actions of the guilty pair, of which they are completely ignorant, should provoke hearty laughter. The comedians resort to every form of slapstick for laughs, such as putting mustard on the bald head of a sailor, and throwing pies and cakes at others:—

Laurel and Hardy, two peaceful business men, are under the impression that their twin bothers, who had run away from home at an early age to join the Navy, had been hanged for their misdeeds. They decide not to tell their wives about their evil brothers because it would bring disgrace to them. But the sailor twins had not been hanged; instead, they arrive in town and start making trouble at a beer garden, getting into all kinds of scrapes. They leave with the promise to return and pay a bill they owed; they leave a pearl ring, belonging to the Captain, as security. The good twins go to the same beer garden with their wives and are mistaken for the sailors. They are shocked when two girls, who had struck up a friendship with the sailors, berate them for having gone away and then coming back with other women. Their wives threaten to divorce them. After many harrowing experiences during which two gangsters try to steal the pearl ring, the twins come face to face with each other. Each one then understands why the other had been blamed for things that he had not done.

The plot was suggested by a story by W. W. Jacobs. Richard Connell and Felix Adler wrote the screen play. Harry Lachman directed it and L. A. French supervised. In the cast are Alan Hale, Sidney Toler, Daphne Pollard, Betty Healy, and others.

Suitable for all. Class A.

**"Wild Brian Kent" with Ralph Bellamy  
and Mae Clarke**

(20th Century-Fox, Nov. 6; time, 56 min.)

Good in production values but only moderately entertaining program western. It lacks the usual punch of this type of pictures, such as exciting fist fights. Here the fights are quickly disposed of, for the hero, knocks out each opponent with one punch. Aside from one excellent race in which the participants do difficult riding, there is not much horse-back riding. The closing scenes are fairly exciting; there the villain attempts to set fire to the wheat fields belonging

to the heroine, in order to prevent her from obtaining money to meet a note he held, so that he might be enabled to take over her ranch. There are a few comedy touches. One feels sympathy for the hero, whose kind actions on behalf of the heroine are misunderstood; he had led her to believe that he was lending her his own money when, in reality, he had borrowed it from the villain, without realizing that he was thus playing right into his hands. The heroine, thinking that he was working with the villain, refuses to believe his plea of innocence. Eventually he convinces her of his good faith by helping her repay the villain, even risking his life to prevent the fire started by the villain to spread. The hero and heroine marry.

Harold Bell Wright wrote the story, and James Gruen and Earl Snell the screen play. Howard Bretherton directed it and Sol Lesser produced it. In the cast are Helen Lowell, Stanley Anders, Richard Alexander, and others. Suitable for all. Suitability, Class A.

**"Tarzan Escapes" with Johnny Weissmuller  
and Maureen O'Sullivan**

(MGM, Nov. 6; time, 88½ min.)

Thrilling entertainment for the followers of the Tarzan series. It has all the excitement of the previous pictures, with added novelties. Most everything that the fans want is here—Weissmuller fighting animals, spectacular swinging from tree tops, comedy, and thrills. The scenes showing him rescuing Miss O'Sullivan and the group she had been travelling with from the cannibals who had captured them hold one in tense suspense. The intelligence of the chimpanzee accompanying Weissmuller is something to marvel at; the animal seems to understand everything said to him, and acts as if he sensed everything that was happening. Children will be delighted at his exploits. The delightful and simple romance between Weissmuller (Tarzan) and Miss O'Sullivan has lost none of its charm. A great deal of ingenuity has gone into the scenes showing the comfortable quarters Weissmuller had built for Miss O'Sullivan and himself, even to an elevator to take them to the tree tops. The most thrilling scene is that in which Weissmuller, who had been captured by a greedy explorer, escapes from his cage with the assistance of his two elephants.

Edgar Rice Burroughs wrote the story, and Cyril Hume the screen play. Richard Thorpe directed it and Sam Zimbalist produced it. In the cast are Herbert Mundin, E. E. Clive and others.

Excellent for children. Class A.

**"Go West Young Man" with Mae West  
and Warren William**

(Paramount, November 13; time, 78½ min.)

This is definitely fare for the Mae West fans alone. In adapting it from the successful stage play, "Personal Appearance," Miss West has made many changes to the detriment of the story. The trouble is that Miss West allows no one except herself a chance to do anything; she is seldom off the screen and naturally all the action centers around her. In the play, some of the other characters were highly amusing, but in the picture they are all relegated to the background. The sex implications are somewhat vulgar and are presented without any subtlety. There are some amusing situations which are provoked by wisecracks; but on the whole it is only a moderately entertaining comedy:—

By the terms of her contract, Miss West, a noted motion picture star, is prevented from marrying for five years. Warren William, her publicity agent, has much trouble keeping her out of romantic entanglements so that she may not break the terms of her contract. While on her way by automobile to make a personal appearance at a theatre, the car breaks down and she is compelled to stop at a rural boarding house, conducted by Alice Brady. At first she resents it; but her resentment changes in to delight when she spies Randolph Scott, owner of a gas station, who was engaged to Miss Brady's daughter. She makes love to him and promises to take him to Hollywood with her, ostensibly to help him sell an invention of his. William, by a clever ruse, induces her to give up Scott. He offers himself instead. Miss West does not seem to mind the switch, and proceeds on her way, happy that she has a new victim.

The plot was adapted from the play by Lawrence Riley. Mae West wrote the screen play and dialogue. Henry Hathaway directed it and Emanuel Cohen produced it. In the cast are Elizabeth Patterson, Lyle Talbot, Isabel Jewell, Margaret Perry, and others.

Not suitable for children. Adult entertainment. Class B.



that Lichtman had been appointed assistant to the president, a groan went up from ten thousand exhibitor throats. These men knew what that appointment meant. They knew the Lichtman record. Their worst fears now have been realized.

"Not we, but the exhibitors of the nation, nominate Al Lichtman as the EXHIBITORS' ENEMY NUMBER ONE. And since no article on Al Lichtman is complete without reciting at least one of his funny stories, we nominate as the funniest story concocted by him the 'request' that Metro users release their rights to 'The Great Ziegfeld' which they had under their contract at 25% so that he could sell it back to them at 40%: Don't forget, it was Lichtman's idea of the exclusive plan, and what it would have meant to you if it had been successful.

"GEORGE P. AARONS, Secretary"

According to an exhibitor of Philadelphia, the exhibitors there are getting ready to make an appeal to all exhibitors in the nation to declare a thirty-day play-date strike; that is, not to book any Metro pictures for thirty days, as a sort of protest against the sales policy of this company. They intend to resort to such means to express their resentment because in this manner they do not break their contract and they can show their feelings most forcibly.

This paper hopes that the executives of MGM will discard the Lichtman sales policy so as to prevent such an occurrence.

### WHAT AN ORGANIZATION CAN DO!

The exhibitors of the Philadelphia zone were so aroused by the unreasonable prices and terms Grand National demanded that they, not only went on a buyers' strike, but also picketed the exchange, the pickets carrying on their fronts and backs placards with wording appropriate for the occasion.

What prompted them to resort to such means to show their displeasure was the fact that the other exchanges stiffened their terms as a result of Grand National's sales policy. Whenever an exhibitor protested against the unreasonableness of the prices and terms, the major exchange-men would retort: "Well, Grand National is demanding for some of its pictures 30% and 35%; don't you think that we are entitled to better prices and terms?"

It was for the purpose of making it impossible for the major companies to use this argument that the Philadelphia exhibitors decided to take matters in their hands.

Grand National, of course, capitulated: Alperson, fearing lest the exhibitors of the other zones, too, should adopt the same method, went to Philadelphia and, at a meeting with the representatives of the exhibitors, agreed to allow an exhibitor to buy films on a flat rental basis, or in any way he wants to buy them.

This is what one would call effective organization work. As a matter of fact, it was the success with Grand National that gave the exhibitors there the idea of applying the same method on MGM, should the demand for the harsh sales terms be continued.

For more than a year the exhibitors of the Philadelphia zone were torn by strife; they were divided in two groups, each group belonging to a different exhibitor organization. Recently they decided to bury the hatchet and unite. The victory against Grand National was the result of this unity.

### THE PROPOSED NEW NATIONAL EXHIBITOR ORGANIZATION

From time to time there is talk about the formation of a new national exhibitor organization, and the trade press makes much of such talk. It emanates chiefly from New York City, and Harry Brandt, owner of a circuit of theatres in New York City, is given as the sponsor of the idea.

Mr. Brandt has as much chance to form a new national exhibitor organization as I have to fly to the moon, for the simple reason that there is no need for such an organization. The existing national organization serves the purpose fully.

Even if a new national organization were formed, which is highly unlikely, the producer-subsidized organization will not disband; Mr. Hays is maintaining this organization to throw dust into the eyes of legislators, whenever there is either a hearing or an investigation as to the unfair producer-distributor practices.

Mr. Brandt would serve the interests of the independent exhibitors much better were he to devote his efforts to helping organize this territory, which has never been so disorganized.

### ANENT THE INCREASE OF ADMISSION PRICES

The October 24 Bulletin of Allied Theatres of Michigan contained also the following item:

"Detroit exhibitors who have increased their admission prices during the past two or three months have been more than surprised at the results. Patrons expect to pay a fair price for the entertainment that theatres are furnishing, which is still by far the greatest value that people can buy today. Better up your price a nickle and get the extra profit that you are entitled to. Remember, you are paying considerable more for pictures this year and that money has to come from some place. ASK THE BOYS WHO HAVE RAISED."

There has been considerable discussion on the advisability of raising the admission prices in the last few months, as a result of which many exhibitors have been encouraged to raise them. And they profited thereby.

The writer believes that this discussion was precipitated by an article that appeared in this year's *Harrison's Digest*, which was mailed to every exhibitor in the United States in the last days of May, this year. That article was written by Mr. Harold Bernstein, proprietor of the Plaza Theatre, at Norwood, Ohio.

HARRISON'S REPORTS believes that the depression admission prices were too small in proportion to the film rentals you have to pay for film today and feels that those who are still maintaining those prices should raise them at a fairly higher level. If they should do so, they will find it greatly to their advantage.

### MUCH ADO ABOUT NOTHING

The deal between Twentieth Century-Fox and Gaumont British is off. And this should bring relief to the readers of the trade papers, which for several months have been using up a lot of space, raising a subject of fair importance to the distributors to one of great importance.

There are so many important matters on which the trade papers could use their space instead of the deal between these two companies!



## HARRISON'S REPORTS

Vol. XVIII

NEW YORK, N. Y., SATURDAY, NOVEMBER 21, 1936

No. 47

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Mister Cinderella—MGM (76 min.)	174
Mummy's Boys—RKO (67½ min.)	175
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Oh, Susannah—Republic (64 min.)	Not Reviewed
Old Hunch—MGM (77½ min.)	162
Pigskin Parade—20th Century-Fox (92 min.)	178
Polo Joe—Warner Bros. (65 min.)	182
President's Mystery, The—Republic (80 min.)	166
Ride 'Em Cowboy—Universal (59½ min.)	Not Reviewed
Sea Spoilers—Universal (62 min.)	163
Thank You, Jeeves—20th Century-Fox (56½ min.)	159
Three Mesquites—Republic (58 min.)	Not Reviewed
Trailin' West—First National (56 min.)	Not Reviewed
Tugboat Princess—Columbia (69 min.)	179
Undercover Man—Republic (55 min.)	Not Reviewed
Under Your Spell—20th Century-Fox (62 min.)	183
Valiant is the Word for Carrie—Paramount (108 m.)	162
Wedding Present—Paramount (81 min.)	174
White Legion, The—Grand National (81 min.)	175
Without Orders—RKO (63½ min.)	167
Woman Rebels, A—RKO (87½ min.)	179
Yellow Cargo—Grand National (63 min.)	183
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## RELEASE SCHEDULE FOR FEATURES

## Chesterfield Features

(1540 Broadway, New York, N. Y.)

Lady Luck—Fair-Bakewell ..... July 10  
(End of Season)

## Beginning of 1936-37 Season

Missing Girl—Pryor-Evans ..... Sept. 15  
House of Secrets—Fenton-Blackmer ..... Oct. 20

## Columbia Features

(729 Seventh Ave., New York, N. Y.)

6030 Shakedown—Ayres-Perry ..... July 17  
6018 Meet Nero Wolfe—Arnold-Perry ..... Aug. 1  
6031 Two-Fisted Gentleman—Dunn-Clayworth ... Aug. 15  
6022 They Met in a Taxi—Morris-Wray ..... Sept. 1  
6019 End of the Trail—Jack Holt (72 min.) ..... Sept. 19  
6038 Alibi for Murder—Gargan-Churchill ..... Sept. 23  
6039 Killer at Large—Brian-Hardie ..... Oct. 1  
6040 Tugboat Princess—Kelly-Fellowes ..... Oct. 15  
(End of 1935-36 Season)

## Beginning of 1936-37 Season

7209 The Unknown Ranger—Robert Allen (58m.) ..... Sept. 18  
7020 Man Who Lived Twice—Bellamy-March ... Sept. 25  
7007 Craig's Wife—Boles-Russell ..... Sept. 25  
7008 Adventure in Manhattan—Arthur-McCrea ... Oct. 8  
7201 Code of the Range—Chas. Starrett (55 m.) ... Oct. 9  
7210 Ranger Courage—Robert Allen (58 min.) ... Oct. 30  
7031 Legion of Terror—Cabot-Churchill ..... Nov. 1  
7018 Come Closer Folks—Dunn-Marsh ..... Nov. 7  
7003 Theodora Goes Wild—Dunne-Douglas ..... Nov. 12  
North of the Nome—Holt-Venable ..... Nov. 14  
7202 The Cowboy Star—Charles Starrett ..... Nov. 20  
7029 Lady from Nowhere—Astor-Quigley ..... Nov. 21  
7002 Pennies from Heaven—Bing Crosby (re.) ... Nov. 25

## First National Features

(321 W. 44th St., New York, N. Y.)

955 Hearts Divided—Davies-Powell ..... June 20  
951 The White Angel—Francis-Hunter ..... July 4  
977 Two Against the World—Bogart-Dodd ..... July 11  
962 Earthworm Tractors—Joe E. Brown ..... July 18  
965 Case of the Velvet Claws—William-Dodd ... Aug. 15  
960 China Clipper—O'Brien-Roberts-Alexander ... Aug. 22  
975 Love Begins at Twenty—Herbert-Ellis ..... Aug. 22  
979 Trailin' West—Dick Foran (56 min.) ..... Sept. 5

## Beginning of 1936-37 Season

155 Stage Struck—Powell-Blondell-McHugh ... Sept. 12  
177 Down the Stretch—Ellis-Rooney ..... Sept. 19  
169 Here Comes Carter (The Tattler)—Alexander-Farrell ..... Oct. 24  
170 The Case of the Black Cat—Cortez ..... Oct. 31  
167 The Captain's Kid—Kibbee-Jason (reset) ... Nov. 14  
151 Three Men on a Horse—McHugh-Blondell ... Nov. 21  
Gold Diggers of 1937—Powell-Blondell ..... Dec. 26

## Gaumont-British Features

(1600 Broadway, New York, N. Y.)

Secret Agent—P. Lorre-M. Carroll-R. Young ... June 15  
East Meets West—George Arliss ..... Sept. 1  
The Man Who Lived Again—Boris Karloff ..... Sept. 15  
("Seven Sinners" listed in the last Index as a 1935-36 release, has been transferred to the 1936-37 Season.)  
(End of Season)

## Beginning of 1936-37 Season

Seven Sinners—C. Cummings-E. Lowe ..... Aug. 15  
Nine Days a Queen—Nova Pilbeam ..... Sept. 1  
Everything is Thunder—Bennett-Montgomery (r.) ... Oct. 1  
Love in Exile—Helen Vinson-Clive Brook ..... Nov. 15  
Everybody Dance—C. Courtneidge-E. Truex ..... Dec. 1  
Strangers on a Honeymoon—Cummings-Sinclair ... Dec. 15



## Grand National Features

(1270 Sixth Ave., New York, N. Y.)

In His Steps—Eric Linden-Cecilia Parker .....Sept. 22  
Devil on Horseback—Damita-Keating (reset) ...Oct. 6  
White Legion—Jan Keith-Tala Birell (reset) ....Oct. 13  
Yellow Cargo—Conrad Nagel (reset) .....Oct. 27  
Captain Calamity—Geo. Huston-M. Nixon (re.) .Nov. 22  
Song of the Gringo—Tex Ritter .....Nov. 22  
Hats Off—Mae Clarke-John Payne .....Nov. 29  
Great Guy—James Cagney-Mae Clarke .....Dec. 26

## Invincible Features

(1540 Broadway, New York, N. Y.)

### Beginning of 1936-37 Season

Ellis Island—Donald Cook .....Nov. 4

## Metro-Goldwyn-Mayer Features

(1540 Broadway, New York, N. Y.)

### 1935-36 Season

No release set for .....June 19  
636 San Francisco—Gable-MacDonald .....June 26  
626 We Went to College—Merkel-Abel .....July 3  
631 The Devil Doll—L. Barrymore .....July 10  
No release set for .....July 17  
657 His Brother's Wife—Taylor-Stanwyck .....Aug. 7  
655 Piccadilly Jim—Montgomery-Evans .....Aug. 14  
633 The Gorgeous Hussy—Taylor-Crawford ....Aug. 28  
656 The Devil is a Sissy—Bartholomew .....Sept. 18  
629 Old Hutch—Beery-Parker-Linden .....Sept. 25  
648 Libeled Lady—Harlow-W. Powell-Loy-Tracy.Oct. 9  
654 Love on the Run—Gable-Crawford (reset) ..Nov. 20  
639 Camille—Garbo-Taylor (reset) .....Dec. 4

### 1936-37 Season

705 All American Chump—Erwin-Armstrong ....Oct. 16  
707 Mr. Cinderella—Haley-Furness (reset) .....Oct. 23  
710 Our Relations—Laurel-Hardy (reset) .....Oct. 30  
711 Tarzan Escapes—Weissmuller-O'Sullivan ...Nov. 6  
708 Mad Holiday (White Dragon)—Lowe (re.) .Nov. 13  
706 April Romance (April Blossoms)—Tauber (r) Nov. 20  
709 Born to Dance—E. Powell-Stewart (reset) ..Nov. 27  
714 General Spanky—Our Gang .....Dec. 11  
712 Sinner Take All—Cabot-Lindsay .....Dec. 18  
713 After the Thin Man—W. Powell-Loy .....Dec. 25

## Paramount Features

(1501 Broadway, New York, N. Y.)

3612 Big Broadcast of 1937—Burns-Allen .....Oct. 9  
3613 Wedding Present—J. Bennett-Grant .....Oct. 16  
3666 Hopalong Cassidy Returns—Boyd (77½ m.) .Oct. 23  
3614 Accusing Finger—Kelly-Hunt-K. Taylor ...Oct. 23  
3615 Rose Bowl—Brown-Whitney-Crabbe 76½m..Oct. 30  
3616 Along Came Love—Hervey-Starrett .....Nov. 6  
3617 Easy to Take—Howard-Hunt-Palette .....Nov. 6  
3618 Go West Young Man—M. West-W. William.Nov. 13  
Hideaway Girl—Ross-Cummings-Raye ....Nov. 20  
Jungle Princess—Lamour-Milland .....Nov. 27  
Trail Dust—William Boyd .....Dec. 4  
Mind Your Own Business—Ruggles-Brady ..Dec. 4  
Arizona Mahoney—Joe Cook-L. Crabbe ...Dec. 11  
Let's Make a Million—Horton-Seddon .....Dec. 18  
College Holiday—Benny-Burns-Allen .....Dec. 25

## Republic Features

(1776 Broadway, New York, N. Y.)

6311 Three Mesquiteers—Livingston (58 m.)....Sept. 21  
6032 Bulldog Edition—Walker-Knapp .....Sept. 21  
6321 Undercover Man—J. M. Brown (55 min.)..Sept. 24  
6007 President's Mystery—Wilcoxon-Furness ....Oct. 8  
6331 Cavalry—Bob Steele (65 min.) .....Oct. 14  
6312 Ghost Town Gold—Livingston (57 min.) ....Oct. 26  
6010 Country Gentlemen—Olsen-Johnson .....Nov. 9  
6301 The Big Show—Gene Autry special (70 m.) .Nov. 16  
6332 The Gun Ranger—Bob Steele .....Nov. 19  
6322 Lawless Lands—Johnny Mack Brown .....Nov. 23  
6101 The Bold Caballero—Livingston-Angel .....Dec. 1  
The Mandarin Mystery—Quillan-Henry ....Dec. 7  
6313 Roaring Lead—Livingston .....Dec. 9  
Happy Go Lucky—Phil Reagan-E. Venable..Dec. 14

## RKO Features

(1270 Sixth Ave., New York, N. Y.)

636 Don't Turn 'Em Loose—Cabot-Stone .....Sept. 18  
642 A Woman Rebels—Hepburn-Marshall .....Nov. 6  
643 Wanted: Jane Turner—G. Stuart-L. Tracy ...Dec. 4

(more to come)

### Beginning of 1936-37 Season

701 Mummy's Boys—Wheeler-Woolsey .....Oct. 2  
702 The Big Game—Huston-Travis-Cabot .....Oct. 9  
781 Daniel Boone—George O'Brien .....Oct. 16  
704 Without Orders—Eilers-Armstrong .....Oct. 23  
705 Make Way for a Lady—Shirley-Marshall ....Nov. 13  
706 Smartest Girl in Town—Raymond-Sothorn ..Nov. 27

## Twentieth Century-Fox Features

(444 W. 56th St., New York, N. Y.)

716 15 Maiden Lane—Trevor-Romero .....Oct. 30  
718 Wild Brian Kent—Bellamy-Clark .....Nov. 6  
720 Under Your Spell—Tibbett-Barrie .....Nov. 6  
723 Can This be Dixie?—Withers-Summerville ..Nov. 13  
717 Reunion—Dionne Quintuplets-Hersholt ....Nov. 20  
726 Banjo on My Knee—Stanwyck-McCrea .....Nov. 27  
719 White Hunter—Baxter-Lang-Patrick .....Dec. 4  
727 Crack Up—Lorre-Donlevy-Wood .....Dec. 11  
724 Laughing at Trouble—Darwell-Haden .....Dec. 18  
725 Stowaway—Temple-Young-Fay .....Dec. 25  
722 One in a Million—Sonja Henie-A. Menjou ...Jan. 1  
721 Private Enemy—McLaglen-Stanwyck .....Jan. 8  
711 As You Like It—Elisabeth Bergner .....Jan. 8

## United Artists Features

(729 Seventh Ave., New York, N. Y.)

Gay Desperado—Martini-Lupino-Carrillo .....Oct. 8  
Come and Get It—Arnold-Farmer-McCrea .....Nov. 9  
Garden of Allah—Dietrich-Boyer-Rathbone (r.)..Nov. 20  
Rembrandt—Charles Laughton-Ger. Lawrence ...Dec. 4  
You Only Live Once—S. Sidney-H. Fonda .....Jan. 1

## Universal Features

(1250 Sixth Ave., New York, N. Y.)

A9030 Yellowstone—Hunter-Bartlett .....Aug. 30  
(more to come)

### Beginning of 1936-37 Season

A1002 My Man Godfrey—Powell-Lombard .....Sept. 6  
A1010 Two in a Crowd—J. Bennett-McCrea .....Sept. 13  
A1027 Sea Spoilers—Wayne-Grey .....Sept. 20  
A1041 Ride 'Em Cowboy—Buck Jones (59½ m.) .Sept. 20  
A1032 The Girl on the Front Page—Lowe-Stuart-Byington .....Sept. 27  
A1022 The Magnificent Brute—McLaglen .....Oct. 11  
A1026 The Man I Marry—Nolan-Whalen (re.) ..Nov. 1  
A1042 Boss Rider of Gun Creek—B. Jones (63m).Nov. 1  
A1028 Love Letters of a Star—Hunter .....Nov. 8  
A1014 Luckiest Girl in the World—Jane Wyatt-Louis Hayward .....Nov. 15  
A1023 Flying Hostess—Barrett-Hall-Gargan ....Nov. 22  
A1036 Conflict—Wayne-Rogers-Bond .....Nov. 29  
A1029 Three Smart Girls—Barnes-Milland .....Dec. 6  
A1025 Murder on the Mississippi—Dunn-Devine ..Dec. 13  
A1043 Empty Saddles—Buck Jones .....Dec. 20  
A1019 Four Days Wonder—Dante-Howell (re.) .Dec. 20  
A1007 Top of the Town—Nolan-Murphy .....Dec. 27

## Warner Bros. Features

(321 W. 44th St., New York, N. Y.)

912 Satan Met a Lady—Davis-William .....Aug. 8  
901 The Charge of the Light Brigade—Flynn ....Nov. 7  
930 California Mail—Dick Foran (56 min.) ....Nov. 14

### Beginning of 1936-37 Season

118 The Bengal Tiger—MacLane-Travis .....Sept. 5  
109 Give Me Your Heart—Francis-Brent .....Sept. 26  
107 Midsummer Night's Dream—all star .....Oct. 3  
119 Isle of Fury—Woods-Lindsay-Bogart .....Oct. 10  
103 Cain and Mabel—Davies-Gable .....Oct. 17  
120 Fugitive in the Sky—Muir-Hull .....Nov. 28  
111 Polo Joe—Joe E. Brown-Carol Hughes .....Dec. 5  
421-X One Way Passage—W. Powell-Francis (reissue) .....Dec. 12  
121 King of Hockey—Purcell-Nagel-Wilson ....Dec. 19



## SHORT SUBJECT RELEASE SCHEDULE

### Columbia—One Reel

6710 Screen Snapshots No. 10—(9½ min.) ..... May 29  
6605 Scrappy's Camera Troubles—Scrap. (6½m.) June 5  
6809 Sport Magic—World of Sport (9 min.) .... June 13  
6306 Glee Worms—Color Rhapsody (7 min.) .... June 24  
6711 Screen Snapshots No. 11—(9½ min.) ..... June 26  
6606 Playing Politics—Scrappy (6½ min.) ..... July 8  
6810 Touring the Sport World—World of Sport  
(9½ min.) ..... July 11  
6712 Screen Snapshots No. 12—(9 min.) ..... July 17  
6307 Untrained Seal—Color Rhapsody (7½ m.) .. July 26  
6811 Little Champs—World of Sport (10m.) .... Aug. 10  
6713 Screen Snapshots No. 13—(10m.) ..... Aug. 14  
6506 Highway Snobbery—Krazy Kat (6½m.) ... Aug. 15  
6308 Novelty Shop—Color Rhapsody (6½m.) ... Aug. 15  
6812 Disputed Decisions—World of Sport (10m.) Aug. 22  
6813 Football Flashes—World of Sport (10m.) .. Aug. 30

(End of Season)

### Beginning of 1936-37 Season

7501 In My Gondola—Color Rhapsodies (7m.) ... Sept. 2  
7601 Mad Money—Court of Human Rel. (10m.) . Sept. 4  
7901 Wonder Spots of America—Tours (9½m.) . Sept. 4  
7851 Screen Snapshots No. 1—(10m.) ..... Sept. 11  
7751 Looney Balloonist—Scrappys (6½m.) ..... Sept. 24  
7801 Hold 'Em Cowboy—World of Sport (10m.) . Sept. 25  
7502 Merry Mutineers—Color Rhapsodies (7m.) .. Oct. 1  
7902 Star Gazers—Tours (10m.) ..... Oct. 15  
7852 Screen Snapshots No. 2—(9½m.) ..... Oct. 23  
7701 Krazy's Newsreel—K. Kat ..... Oct. 24  
7802 Skiing is Believing—World Sport (10½m.) .. Oct. 26  
7503 Birds in Love—Color Rhapsodies (7½m.) .. Oct. 28  
7853 Screen Snapshots No. 3 ..... Nov. 20  
7702 The Merry Cafe—Krazy Kat ..... Nov. 25  
7504 Two Lazy Crows—Color Rhapsodies ..... Nov. 26  
(7602 "I Love a Doctor" listed in the last Index as an October 2 release has been postponed.)

### Columbia—Two Reels

#### Beginning of 1936-37 Season

7301 False Alarms—Stooge (18m.) ..... Aug. 16  
7302 Whoops, I'm an Indian—Stooge (20m.) ... Sept. 11  
7351 Am I Having Fun—Andy Clyde (19m.) ... Sept. 18  
7401 Oh, Duchess!—All Star comedy (17m.) (r.) Oct. 9  
7402 Fibbing Fibbers—All Star comedy (18½m.) . Oct. 19

### Metro-Goldwyn-Mayer—One Reel

S-371 Harnessed Rhythm—Sports Parade (10m.) . June 6  
M-331 Master Will Shakespeare—Miniat. (11m.) . June 13  
W-351 To Spring—Color cartoons (9m.) ..... June 20  
S-372 Dare Deviltry—Sports Parade (9m.) ..... June 27  
M-332 How to Train a Dog—Miniatures (8m.) .. July 4  
(more to come)

#### Beginning of 1936-37 Season

C-581 Bored of Education—Our Gang (10m.) ... Aug. 29  
S-551 Killer Dog—Specialties (10m.) ..... Aug. 29  
M-521 How to Vote—Miniatures (10m.) ..... Sept. 5  
B-571 New Shoes—Tabloid Musicals (11m.) .... Sept. 5  
T-501 Quaint Quebec—Traveltalks (9m.) ..... Sept. 12  
S-552 Behind the Headlines—Specialties (11m.) . Sept. 12  
M-522 Hollywood Extra—Miniatures (11m.) .... Sept. 19  
B-572 Swing Banditry—Tabloid Mus. (11m.) .... Sept. 19  
C-582 Two Too Young—Our Gang (10m.) ..... Sept. 26  
M-523 How to be a Detective—Miniatures (9m.) . Oct. 17  
C-583 Pay as You Exit—Our Gang comedy ..... Oct. 24  
T-502 Yellowstone Park—Traveltalks ..... Oct. 24  
M-524 The Rainbow Pass—Miniatures ..... Oct. 31  
B-573 Annie Laurie—Tabloid Musical ..... Oct. 31  
T-503 Colorful Islands—Traveltalks ..... Nov. 14

### Metro-Goldwyn-Mayer—Two Reels

C-207 On the Wrong Trek—C. Chase (19 m.) .... Apr. 18  
C-228 At Sea Ashore—Todd-Kelly (20 m.) ..... Apr. 25  
C-218 Arbor Day—Our Gang com. (18 min.) .... May 2  
C-208 Neighborhood House—Chas. Chase (20m.) . May 9  
(more to come)

#### Beginning of 1936-37 Season

R-401 Violets in Spring—Musical com. (21m.) .. Sept. 5  
R-402 No Place Like Rome—Mus. com. (21m.) .. Sept. 26  
P-411 The Public Pays—Crime Docsn't Pay (18m) Oct. 10

### Paramount—One Reel

V6-1 Lulu's Love—Paragraphics (10m.) ..... Aug. 14  
P6-1 Paramount Pictorial No. 1—(9½m.) ..... Aug. 21  
T6-1 Happy You and Merry Me—Boop (6½m.) . Aug. 21  
A6-2 Music Over Broadway—Headliner (9½m.) . Aug. 28  
E6-1 Never Kick a Woman—Popeye (6½m.) ... Aug. 28  
C6-1 Hawaiian Birds—Color Classic (8½m.) ... Aug. 28  
J6-1 Popular Science No. 1—(10½m.) ..... Aug. 28  
V6-2 Broadway Highlights—Paragraphics 9½m. Sept. 4  
R6-2 Lucky Spills—Spotlight (9m.) ..... Sept. 4  
G6-1 Lovers' Paradise—Musical Romance (9m.) . Sept. 11  
V6-3 Straight as an Arrow—Paragraph. (9½m.) . Sept. 18  
A6-3 Knock Knock, Who's There?—Head. 10m. Sept. 18  
P6-2 Paramount Pictorial No. 2—(9½m.) ..... Sept. 18  
T6-2 Training Pigeons—Boop (6½m.) ..... Sept. 18  
E6-2 Little Sweet Pea—Popeye (7m.) ..... Sept. 25  
SC6-1 I Can't Escape from You—Scr. Song (8m.) Sept. 25  
R6-3 Fighting Marlin—Spotlight (9½m.) ..... Oct. 2  
V6-4 Rhythm of the River—Paragraph. (9m.) .... Oct. 9  
A6-4 Musical Charmers—Headliner (10m.) ..... Oct. 9  
P6-3 Paramount Pictorial No. 3—(9½m.) ..... Oct. 16  
T6-3 Grampy's Indoor Outing—B. Boop (6m.) .. Oct. 16  
C6-2 Play Safe—Color Classic (8m.) ..... Oct. 16  
V6-5 Sailor Shorty—Paragraphics (10m.) ..... Oct. 23  
E6-3 Hold the Wire—Popeye (6m.) ..... Oct. 23  
A6-5 Rah Rah Football—Headliner (9½m.) .... Oct. 30  
J6-2 Popular Science No. 2—(10m.) ..... Oct. 30  
R6-4 The Sporting Quiz—Spotlight (9½m.) ... Nov. 6  
V6-6 That's Their Business—Paragraph. (10m.) . Nov. 13  
P6-4 Paramount Pictorial No. 4—(10m.) ..... Nov. 13  
G6-2 Schubert's Serenade—Musical romance .... Nov. 13  
A6-6 The Star Report in Hollywood—  
Headliner (10m.) ..... Nov. 20  
T6-4 Be Human—Betty Boop (6½m.) ..... Nov. 20  
E6-4 The Spinach Roadster—Popeye ..... Nov. 27  
SC6-2 Talking Through My Heart—Screen song. Nov. 27  
EE6-1 Popeye the Sailor Meets Sinbad the  
Sailor—Special technicolor (16½m.) .. Nov. 27  
R6-5 Chimp Champs—Spotlight (9m.) ..... Dec. 4  
C6-3 Christmas Comes But Once a Year—  
Color Classic ..... Dec. 4  
V6-7 Madison Square Garden—Paragraphics .... Dec. 11  
P6-5 Paramount Pictorial No. 5 ..... Dec. 11  
A6-7 Music, Music Everywhere—Headl. (10m.) . Dec. 18  
T6-5 Making Friends—Betty Boop cartoon ..... Dec. 18  
E6-5 I'm in the Army Now—Popeye ..... Dec. 25  
J6-3 Popular Science No. 3 ..... Dec. 25

### RKO—One Reel

#### Beginning of 1936-37 Season

74301 High Wide and Dashing—B. Corum  
(9m) (r) ..... Sept. 4  
74501 Trinidad—World on Parade (10m) (r) ... Sept. 11  
74401 Swamp Land—Struggle to Live (9m.) .... Sept. 18  
74601 Pathe Topics—(8 min.) ..... Sept. 25  
74302 Pardon My Spray—Bill Corum (11m.) ..... Oct. 2  
74502 Washington in Virginia—World Par. (10m.) . Oct. 9  
74602 Pathe Topics—(9 min.) ..... Oct. 23  
74303 Goals for Gold and Glory—Corum (11m.) ... Oct. 30  
74503 Heart of the Sierras—World Par. (11m.) ... Nov. 6  
74402 Deadly Females—Struggle to Live (9½m.) .. Nov. 13  
74304 Singing Wheels—Bill Corum ..... Nov. 20  
74504 Graveyard of Ships—World on Parade .... Nov. 27  
74603 Pathe Topics ..... Dec. 11

### RKO—Two Reels

63406 Dummy Ache—Edgar Kennedy (18 m.) .... July 10  
63112 March of Time No. 7—(21 min.) ..... July 10  
63606 Sleepy Time—Ruth Etting (20 m.) ..... July 24  
63706 Listen to Freezin'—Kelly (15 min.) ..... July 31  
63113 March of Time No. 8—(21m.) ..... Aug. 7  
(End of Season)

#### Beginning of 1936-37 Season

73201 Who's Looney Now?—Radio Flash (19m.) . Sept. 4  
73101 March of Time—(23m.) ..... Sept. 4  
73301 So and Sew—Smart Set (15m.) ..... Sept. 18  
73102 March of Time—(21½ min.) ..... Oct. 2  
73501 Camp Meetin'—Hall Johnson (16 m.) ..... Oct. 9  
73401 Vocalizing—Edgar Kennedy (20½ min.) ... Oct. 23  
73103 March of Time—(21 min.) (reset) ..... Nov. 6  
73701 One Live Ghost—Leon Errol (21 min.) ... Nov. 6  
73601 Lalapaloosa—Buddy Doyle (16 min.) .... Nov. 20  
73104 March of Time ..... Nov. 27  
73202 Don't Be Like That—Jack Norton (16 m.) .. Dec. 4



## Twentieth Century-Fox—One Reel

6524 The Hot Spell—Terry-Toon (6½ m.).....July 10  
6525 Puddy the Pup & the Gypsies—T. Toon (6m.)..July 24  
6526 Prize Package (Kiko the Kangaroo)—  
Terry-Toon (6 min.) .....July 31  
(End of Season)

## Beginning of 1936-37 Season

7901 Alpine Rendezvous—Musical com. (11m.)..Aug. 1  
7601 Feminine Form—Treasure Chest (10½m.)..Aug. 7  
3701 Irish Pastoral—Along Rd. Rom. (9½m.) ..Aug. 7  
7904 The Queen's Birthday—Musical com. (10m.)Aug. 14  
1601 Scouring the Skies—Adv. News Cam. 9½m..Aug. 14  
7903 The Ring Goes 'Round—Musical com. 10½m.Aug. 21  
7501 Kiko and the Honey Bears—Terry-T. 6½m.Aug. 21  
7902 Going Native—Musical comedy (10½m.) ..Aug. 28  
7602 Nature's Songsters—Treas. Chest (8½m.)..Sept. 4  
7502 The Health Farm—Terry-Toon (6m.) .....Sept. 4  
7604 Sports in the Alps—Treasure Chest (9m.) ..Sept. 11  
3702 Memories of Spain—Along Rd. Rom. (10m.)Sept. 18  
7905 Pink Lemonade—Musical comedy (11 m.)..Sept. 18  
7503 A Bully Frog—Terry-Toon (6½ min.).....Sept. 18  
1602 Pacing the Thoroughbreds—Adventures of  
a News Cameraman (9½ min.).....Sept. 25  
3703 Philippine Fantasy—Along Rd. Rom.  
(9½ min.) .....Sept. 25  
7504 Kiko Foils the Fox—Terry-Toon (6½m)....Oct. 2  
7605 Krazy-Inventions—Treasure Chest (11 m.)...Oct. 9  
7603 Symphony in Snow—Treasure Chest (9m) ..Oct. 16  
7505 Sunken Treasures—Terry-Toon (6½ m.)....Oct. 16  
7906 Gifts in Rhythm—Song and comedy (10 m.)..Oct. 23  
7506 A Battle Royal—Terry-Toon (6½ m.).....Oct. 30  
1603 Sports Headliners of 1936—Adventures  
of a News Cameraman (9½ min.).....Oct. 30  
7907 Play Girls—Song and comedy .....Nov. 6  
7507 Robin Hood in an Arrow Escape—Terry-  
Toon (6½ min.) .....Nov. 13  
1604 Dogging It Around the World—Adventures  
of a News Cameraman .....Nov. 13  
3704 Touring Brazil—Along Road to Romance...Nov. 13  
7606 Legend of the Lei—Treasure Chest (11 m.)..Nov. 20  
7508 Farmel Al Falfa's 20th Anniversary—  
Terry-Toon .....Nov. 27

## Twentieth Century-Fox—Two Reels

6211 Where Is Wall Street—T. Howard (19½m.) Apr. 10  
6214 Fresh From the Fleet—Buster West (18½m.)Apr. 24  
6213 Sleepless Hollow—Harry Gribbon (16½m) ..May 8  
6307 It Happened All Right—Tim & Irene (18m) ..May 15  
6212 Railbirds—Tom Howard com. (17½ m.)....May 22  
6116 Home on the Range—Mus. com. (21 m.)....June 5  
6308 Peaceful Relations—Tim & Irene (18 m.)...June 19  
(End of Season)

## Beginning of 1936-37 Season

7101 Happy Heels—Buster West (18m.) .....Aug. 1  
7301 Bashful Buddies—Rooney-Timberg (17½m.)Aug. 7  
7104 Boy, Oh Boy—Bert Lahr (19½m.) .....Aug. 14  
7103 Blue Blazes—Buster Keaton (19½m.) .....Aug. 21  
7102 Parked in Paroo—Buster West (19½m.) ...Aug. 28  
7302 The Wacky Family—Tim & Irene (20m.)...Sept. 4  
7105 Gags and Gals—Musical com. (20m.) ....Sept. 11  
7106 Diamonds in the Rough—comedy (19 m.)...Sept. 25  
7107 Whose Baby Are You?—B. Lahr (18½ m.)...Oct. 2  
7108 The Chemist—Buster Keaton (19½ m.)....Oct. 9  
7303 Rah Rah Rhythm—musical comedy (18 m.)...Oct. 23  
7109 Spring is Here—Niela Goodelle (20 m.)...Oct. 30  
7111 Any Old Port—Buster West (18½ m.)....Nov. 6  
7304 Modern Home—Tim & Irene .....Nov. 13  
7112 Amuse Yourself—musical comedy .....Nov. 20  
7110 Mixed Magic—Buster Keaton .....Nov. 27

## United Artists—One Reel

7 Orphans Picnic—Mickey Mouse (8 min.) .....Mar. 12  
8 Mickey's Grand Opera—Mickey Mouse (8m.)...Apr. 9  
7 Elmer Elephant—Silly Symphony (8 m.) .....May 13  
8 Three Little Wolves—Silly Symphony (9 m.)...May 27  
9 Thru the Mirror—Mickey Mouse (9m.) .....June 18  
9 Toby Tortoise Returns—S. Symphony (8½m.) ..Sept. 23  
(End of Series)

## Beginning of New Series

1 Moving Day—Mickey Mouse (8m.) .....July 15  
2 Mickey's Rival—Mickey Mouse (8½ min.)....Aug. 27  
3 Alpine Climbers—Mickey Mouse (9½ min.)....Oct. 28

## Universal—One Reel

A9397 Going Places with Thomas No. 24 (9½m) .July 20  
A9384 (9385) Stranger Than Fiction No. 24—  
(9½ min.) .....July 27  
A9398 Going Places with Thomas No. 25 (9½m) .Aug. 3  
A9385 Stranger Than Fiction No. 25—(9½ m.)..Aug. 10  
A9399 Going Places with Thomas No. 26 (9½m) .Aug. 17  
A9386 Stranger Than Fiction No. 26—(9 min.) ..Aug. 24  
(End of Season)

## Beginning of 1936-37 Season

A1371 Going Places with Thomas No. 27.....Aug. 31  
A1151 Gus Van's Garden Party—Mentone (10m.)Aug. 31  
A1261 Music Hath Charms—Oswald cart. (7½m.)Sept. 7  
A1371 Going Places with Thomas No. 27—9m re.Sept. 14  
A1262 Kiddie Revue—Oswald cart. (7½m.) ....Sept. 21  
A1384 Stranger Than Fiction No. 27—(7½m.) ..Sept. 28  
A1152 Musical Airways—Mentone (10½m.) ....Sept. 30  
A1372 Going Places with Thomas No. 28 .....Oct. 5  
A1263 Beachcombers—Oswald cart. (8½m.) ....Oct. 5  
A1385 Stranger Than Fiction No. 28—(8½ m.)...Oct. 12  
A1264 Night Life of the Bugs—Oswald (7½ m.) ..Oct. 19  
A1373 Going Places with Thomas No. 29 (8½m.)..Oct. 26  
A1153 Fun in the Fire House—Mentone (10 m.)..Oct. 28  
A1265 Puppet's Show—Oswald (8 min.) .....Nov. 2  
A1386 Stranger Than Fiction No. 29—(8½ m.)...Nov. 9  
A1266 The Unpopular Mechanic—Oswald (8m) ..Nov. 16  
A1374 Going Places with Thomas No. 30.....Nov. 23  
A1154 Royal Cafe—Mentone (10½ min.).....Nov. 25  
A1387 Stranger Than Fiction No. 30.....Dec. 7

## Universal—Two Reels

A1582 Invisible Enemy—Drummond No. 2 (19m) .Oct. 26  
A1583 The Doorway of Doom—Drummond No. 3  
(19 min.) .....Nov. 2  
A1584 The Radio Riddle—Drummond No. 4  
(20½ min.) .....Nov. 9  
A1585 Bullets of Sand—Drum. No. 5 (18½m) ...Nov. 16  
A1586 Evil Spirits—Drummond No. 6 (20½ m.)...Nov. 23  
A1587 The Trackless Trail—Drum. No. 7 (19½m)mond  
A1587 The Trackless Trail—Drummond No. 7  
(19½ min.) .....Nov. 30  
A1588 The Sign in the Sky—Drum. No. 8 (20m) ..Dec. 7  
A1589 Secret Service—Drummond No. 9 (18½m) .Dec. 14

## Vitaphone—One Reel

2501 Clyde Lucas and Orch.—Mel. Mas. (11m.)..Sept. 5  
2401 Oscar's Recipe—Pictorial Rev. (11m.)....Sept. 12  
2601 Vitaphone Gayeties—Big Time Vaude. 11m..Sept. 19  
2701 Logging Along—Novelties (10m.) .....Sept. 26  
2502 Harry Reser and Orch.—Mel. Mas. (9m.) ..Sept. 26  
2302 Colorful Occupations—Color. Adv. (10m.) ..Oct. 3  
2801 Milk and Money—Looney Tunes (8m.) .....Oct. 3  
2402 Geo. Rector—Fashions in Color—Pictorial  
Reviews (11 min.) .....Oct. 10  
2201 Boulevardier of the Bronx—Mer. Mel. (8m) .Oct. 10  
2503 Emil Coleman & Orch.—Mel. Mas. (10m) ..Oct. 17  
2602 Vitaphone Internationals—Vaude. (10 m.)...Oct. 17  
2702 An Ounce of Invention—Novelties (11 m.)...Oct. 24  
2504 Leon Navara—Melody Masters (11 min.)...Nov. 7  
2202 Don't Look Now—Merry Melodies (7½m) ..Nov. 7  
2303 Northern Lights (Flower Reel)—Colortour  
Adventures (reset) .....Nov. 14  
2603 Vaudeville is Back—Big Time Vaud. (11m) .Nov. 14  
2802 Little Beau Porky—Looney Tune (8 m.) ...Nov. 14  
2403 Eyelash-Football-Knitting—Pic. Review ....Nov. 21  
2703 Nut Guilty—Novelties (10 min.) .....Nov. 21  
2505 Clyde McCoy—Melody Masters (10 m.) ...Nov. 28  
2304 Nice Work—Colortour Adventures .....Dec. 12  
2604 Not Yet Titled—Big Time Vaudeville.....Dec. 12  
2704 Oklahoma As Is—Novelties (9 min.) .....Dec. 19  
2506 Jimmy Lunceford—Melody Masters .....Dec. 19  
2404 Southern Wear-Aviation—Pic. Reviews....Dec. 26

## Vitaphone—Two Reels

2012 Sheik to Sheik—Bway. Brev. (21 min.).....Oct. 10  
2001 The Sunday Roundup—Bway. Brev. (19m) ..Oct. 31  
2013 Can't Think of It—Bway. Brev. (18m) (r) ..Nov. 7  
2014 Sweethearts and Flowers—By. Brev. (20m) .Nov. 7  
2015 That's Pictures—Bway. Brev. (21 min.)....Nov. 21  
2016 The Blonde Bomber—Bway. Brevities .....Nov. 28  
2017 Here Comes the Circus—Bway. Brev. (18m) .Dec. 5  
2009 Got a Match—Bway. Brevities .....Dec. 19  
2018 It's All Over Now—Bway. Brev. (20 m.)....Dec. 26

## NEWSWEEKLY NEW YORK RELEASE DATES Universal

509 Wednesday ..Nov. 11  
510 Saturday ....Nov. 14  
511 Wednesday ..Nov. 18  
512 Saturday ....Nov. 21  
513 Wednesday ..Nov. 25  
514 Saturday ....Nov. 28  
515 Wednesday ..Dec. 2  
516 Saturday ....Dec. 5  
517 Wednesday ..Dec. 9  
518 Saturday ....Dec. 12  
519 Wednesday ..Dec. 16  
520 Saturday ....Dec. 19  
521 Wednesday ..Dec. 23  
522 Saturday ....Dec. 26  
523 Wednesday ..Dec. 30

## Fox Movietone

17 Wednesday ...Nov. 11  
18 Saturday .....Nov. 14  
19 Wednesday ...Nov. 18  
20 Saturday .....Nov. 21  
21 Wednesday ...Nov. 25  
22 Saturday .....Nov. 28  
23 Wednesday ...Dec. 2  
24 Saturday .....Dec. 5  
25 Wednesday ...Dec. 9  
26 Saturday .....Dec. 12  
27 Wednesday ...Dec. 16  
28 Saturday .....Dec. 19  
29 Wednesday ...Dec. 23  
30 Saturday .....Dec. 26  
31 Wednesday ...Dec. 30

## Paramount News

29 Saturday .....Nov. 14  
30 Wednesday ...Nov. 18  
31 Saturday .....Nov. 21  
32 Wednesday ...Nov. 25  
33 Saturday .....Nov. 28  
34 Wednesday ...Dec. 2  
35 Saturday .....Dec. 5  
36 Wednesday ...Dec. 9  
37 Saturday .....Dec. 12  
38 Wednesday ...Dec. 16  
39 Saturday .....Dec. 19  
40 Wednesday ...Dec. 23  
41 Saturday .....Dec. 26  
42 Wednesday ...Dec. 30

## Metrotone News

215 Wednesday ..Nov. 11  
216 Saturday ....Nov. 14  
217 Wednesday ..Nov. 18  
218 Saturday ....Nov. 21  
219 Wednesday ..Nov. 25  
220 Saturday ....Nov. 28  
221 Wednesday ..Dec. 2  
222 Saturday ....Dec. 5  
223 Wednesday ..Dec. 9  
224 Saturday ....Dec. 12  
225 Wednesday ..Dec. 16  
226 Saturday ....Dec. 19  
227 Wednesday ..Dec. 23  
228 Saturday ....Dec. 26  
229 Wednesday ..Dec. 30

## Pathe News

75232 Wed. (E.)..Nov. 11  
75133 Sat. (O.)..Nov. 14  
75234 Wed. (E.)..Nov. 18  
75135 Sat. (O.)..Nov. 21  
75236 Wed. (E.)..Nov. 25  
75137 Sat. (O.)..Nov. 28  
75238 Wed. (E.)..Dec. 2  
75139 Sat. (O.)..Dec. 5  
75240 Wed. (E.)..Dec. 9  
75141 Sat. (O.)..Dec. 12  
75242 Wed. (E.)..Dec. 16  
75143 Sat. (O.)..Dec. 19  
75244 Wed. (E.)..Dec. 23  
75145 Sat. (O.)..Dec. 26  
75246 Wed. (E.)..Dec. 30



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Vol. XVIII

SATURDAY, NOVEMBER 28, 1936

No. 48

## Box Office Performances of 1935-36 and 1936-37 Pictures — No. 1

The check-up of the box office performances of the first half of the 1935-36 pictures of the different companies was printed in the July 18 issue. This check-up includes the pictures of the entire 1935-36 season, wherever possible, and such of the 1936-37 season as have played in enough theatres to give one a definite idea as to their box office performances. This information should enable you to compare the promises of the salesmen before you purchased a given company's pictures with the box office results.

More than five hundred actual theatres have reported in this check-up.

### Columbia

(1935-36 Season)

Excellent, 1: "Mr. Deeds Goes to Town."

Excellent to Very Good, None.

Very Good, 1: "If You Could Only Cook."

Very Good to Good, None.

Good, 1: "The King Steps Out."

Good to Fair, 1: "Meet Nero Wolf."

Fair, 13: "She Couldn't Take It," "The Music Goes Round," "The Devil's Squadron," "And So They Were Married," "The Mine With the Iron Door," "Counterfeit," "Blackmailer," "Shakedown," "Two Fisted Gentleman," "They Met in a Taxi," "Alibi For Murder," "Killer at Large," and "Tugboat Princess."

Fair to Poor, 6: "The Lone Wolf Returns," "Panic on the Air," "The Roaming Lady," "Trapped by Television," "The Final Hour," and "The End of the Trail."

Poor, 14: "Guard That Girl," "The Case of the Missing Man," "Grand Exit," "Escape from Devil's Island," "Too Tough to Kill," "One Way Ticket," "The Calling of Dan Matthews," "Crime and Punishment," "Dangerous Intrigue," "Lady of Secrets," "You May Be Next," "Hell Ship Morgan," "Don't Gamble with Love," and "Pride of the Marines."

This check-up does not include the eight Ken Maynard westerns, which are the following: "Western Frontiers," "Heir to Trouble," "Western Courage," "Lawless Riders," "The Cattle Thief," "Heroes of the Range," "Avenging Waters," and "The Fugitive Sheriff"; nor the four pictures that have been founded on Peter B. Kyne stories, which are the following: "The Gallant Defender," "The Mysterious Avenger," "Secret Patrol," and "Stampede."

To give you a clearer picture, I am recapitulating the different grades with the titles of the graded pictures:

Excellent, 1; Very Good, 1; Good, 1; Good to Fair, 1; Fair, 13; Fair to Poor, 6; Poor, 14.

Notice that the only pictures with first and second rank stars have been the following:

Pictures with first-rank stars, 1: "Mr. Deeds Goes to Town," with Gary Cooper.

Pictures with second-rank stars, 4: "She Couldn't Take It," with George Raft; "If You Could Only Cook," with Herbert Marshall and Jean Arthur; "Lady of Secrets," with Ruth Chatterton; and "The King Steps Out," with Grace Moore.

In other words, out of forty-nine pictures Columbia released in the 1935-36 season, only one picture was delivered with a first-rank star.

The 1935-36 contract did not give any information as to what pictures Columbia would deliver, but the worksheet gave a number of books, plays and magazine stories from which the pictures would be selected. Among these works was "Lost Horizon," promised as a Frank Capra production, which they are not going to deliver.

Another observation this paper wishes to make is this: the contract called for a maximum of 40, or a minimum of 32, regular pictures, 8 Maynards and 4 Peter B. Kyne's. They delivered all the Maynards and the Kynes, but the regular pictures were 3 short.

### 1936-37 Season

Information on the box office performance of the 1936-37 season's pictures of this company have been received for only three pictures:

"The Man Who Lived Twice," with Ralph Bellamy, Isabel Jewell and Marian Marsh: Poor. None of the players means very much to the box office.

"Craig's Wife," with Rosalind Russell and John Boles: Good.

"Adventure in Manhattan," with Jean Arthur and Joel McCrea: From Very Good to Good.

### First National

(1935-36 Season)

First National has not stated whether it will deliver any more of this season's pictures. It sold twenty-seven and three westerns; it has delivered twenty-four, and two westerns.

This company seems to have been fair in releasing also its western features short, since it has delivered the number of regular features short; but unless it has delivered short also the number of percentage pictures, then such "shortness" is to the disadvantage of the exhibitor.

The following is the grading:

Excellent, 2: "Shipmates Forever," and "The Story of Louis Pasteur."

Excellent to Very Good, None.

Very Good, 2: "I Found Stella Parish," and "Ceiling Zero."

Very Good to Good, None.

Good, 3: "The White Angel," "Earthworm Tractors," and "China Clipper."

Good to Fair, 4: "The Goose and the Gander," "The Singing Kid," "Brides Are Like That," and "The Golden Arrow."

Fair, 8: "The Case of the Lucky Legs," "Broadway Hostess," "The Murder of Dr. Carrigan," "Road Gang," "Snowed Under," "The Law in Her Hands," "Hearts Divided," and "Love Begins at Twenty."

Fair to Poor, 2: "Two Against the World," and "The Case of the Velvet Claws."

Poor, 2: "The Payoff," and "Man of Iron."

The two westerns, "Song of the Saddle" and "Trailing West" are not included.

Recapitulating the grading and omitting the titles of the pictures we get the following results:

Excellent, 2; Very Good, 2; Good, 3; Good to Fair, 4; Fair, 8; Fair to Poor, 2; Poor, 2.

The number of pictures this company has delivered with first and second rank Warner stars are, regardless of their box office performances, as follows:

First Rank, 6: "The Goose and the Gander," with Kay Francis; "I Found Stella Parish," with Kay Francis; "The Story of Louis Pasteur," with Paul Muni; "Ceiling Zero," with James Cagney; "Hearts Divided," with Marion Davies, and "The White Angel," with Kay Francis.

Second Rank, 4: "Shipmates Forever," with Dick Powell and Ruby Keeler; "The Singing Kid," with Al

(Continued on last page)



### **"Reunion" with the Dionne Quintuplets and Jean Hersholt**

(20th Century-Fox, November 20; time, 80 min.)

This is a sequel to "The Country Doctor" but not as good; it is just pleasant program entertainment. The story lacks the warm, rich comedy and human appeal of the first picture, and offers nothing to compare with the scene in "The Country Doctor" where the Quintuplets were born. This is concerned mostly with the sympathetic efforts of Jean Hersholt, who again enacts the role of the simple country doctor, to set people on the right track and thus save them from many heartaches. As before, he awakens deep sympathy by his humbleness and lack of vanity. The comedy is provoked by John Qualen, the father of the Quins, who suffers each time a neighbor's wife is to give birth to a child, for he feared that some one might spoil his record. The romantic interest is pleasant:—

J. Edward Bromberg, head of the Chamber of Commerce in the town where Hersholt lived, induces Hersholt to permit them to have a reunion of all the children he had brought into the world, which numbered three thousand. Among the invited guests are Alan Dinehart, a Governor, Esther Ralston, a motion picture actress, Tom Moore, an eminent surgeon, and many others. Moore arrives with Helen Vinson, his wife, and complains to Hersholt that his wife does not love him and is preparing to leave him. Hersholt realizes that Miss Vinson is infatuated with his young nephew (Robert Kent), with whom she had had an affair. But Hersholt knows that Kent really loves Rochelle Hudson, who returned his love. By a ruse he makes Miss Vinson realize how foolish she had been; she leaves with Moore, thankful that Hersholt had set her right. Miss Ralston, who was penniless but who expected to open in a New York play, receives a telegram cancelling her engagement and tries to kill herself. She recovers and finds happiness in Bromberg's love for her. Hersholt leads Dinehart to believe that George Ernest, a young orphan boy who appealed to Dinehart, was his own child, the outcome of an affair that Dinehart had had before he was married. Dinehart and his wife, who were childless, decide to adopt George to every one's joy. The party is ended by a visit from the Quintuplets, who play, unconcerned that all the guests were watching them.

Bruce Gould wrote the story, and Sam Hellman, Gladys Lehman and Sonya Levin the screen play. Norman Taurag directed it and Bogart Rogers produced it. In the cast are Slim Summerville, Dorothy Peterson, Sara Haden and others.

Suitable for all. Class A.

### **"Hideaway Girl" with Shirley Ross, Martha Raye and Robert Cummings**

(Paramount, November 20; time, 71½ min.)

Mediocre program entertainment. But for Martha Raye's clowning, it would be quite dull, for the story is inane and the action slow. Each time Miss Raye appears, she provokes laughs either by her wisecracks or the way in which she puts a song over. Shirley Ross and Robert Cummings struggle to make their parts likeable and real, but the material given them puts them at a distinct disadvantage. Owing to poor story construction, one is led to believe that Miss Ross is a crook; for that reason one does not sympathize with her. Her innocence is not proved until the end, but by that time one has lost interest in the outcome:—

Cummings, a wealthy playboy, accidentally meets Miss Ross who was presumably running away from the police. He is attracted to her and wants to protect her. For that reason he permits every one to believe that she is his wife. Complications arise when his fiancée (Elizabeth Russell) boards his yacht and finds Miss Ross there. Cummings listens to a radio broadcast about a notorious jewel thief and thinks that Miss Ross is the person they are looking for. This makes him unhappy for he had fallen in love with her. Eventually the facts come to light: The thief is none other than Miss Russell; she had been working with Monroe Owsley, a notorious jewel thief, whom Miss Ross, a wealthy society girl, had married, believing him to be a Count. She had run away immediately after the ceremony because she felt that she had made a mistake. Miss Ross and Cummings are happy that they had found each other.

David Garth wrote the story, and Joseph Moncure March and Eddie Welch the screen play; George Archainbaud directed it and A. M. Botsford produced it. In the cast are Louis DaPron, Ray Walker, Bob Murphy, and others.

Suitable for all. Suitability, Class A.

### **"Make Way for a Lady" with Anne Shirley and Herbert Marshall**

(RKO, November 13; time, 64 min.)

Mild program entertainment. The action is slow and Anne Shirley's constant chatter becomes a bit tiresome after a while. The leading players struggle valiantly against poor material and are unsuccessful in giving the picture any zest. Miss Shirley's part is not much different from her previous parts; for that reason, one is apt to become bored by the familiarity of her gestures and speech. One is in sympathy with Herbert Marshall when he decides to give up Gertrude Michael, the woman he loves, in order to keep his daughter happy.

The plot was adapted from the novel "Daddy and I," by Elizabeth Jordan. Gertrude Purcell wrote the screen play, David Burton directed it, and Zion Myers produced it. In the cast are Taylor Holmes, and others.

Suitable for all. Class A.

### **"Rose Bowl" with Eleanore Whitney, Tom Brown and Larry Crabbe**

(Paramount, October 30; time, 76½ min.)

As a football picture this lacks the excitement of this type of pictures; as an entertainment, it is just a mildly amusing college yarn, dealing with adolescent love, and presented in a manner to amuse mostly children. It is too slow for adults:—

Tom Brown and Larry Crabbe are rivals for Eleanor Whitney's love. Upon their graduation from high school, Crabbe goes to a well known western college, where he becomes a noted football player, and Brown goes to a small town college. Although Brown is on the football team, he does not distinguish himself as a player. Miss Whitney remains true to Crabbe for the three years he is away, but finally realizes that he had forgotten her. Brown, who had never stopped loving her, decides to treat her in an offhand manner, hoping thereby to bring her to her senses. Brown's team is invited to the Rose Bowl game to play Crabbe's team, and when Brown wins the game for his college Miss Whitney forgets her pride and tells Brown she loves him.

Francis Wallace wrote the story, Marguerite Roberts the screen play, Charles Barton directed it, and A. M. Botsford produced it. In the cast are Benny Baker, William Frawley, Nydia Westman, and others.

Morally suitable for all. Class A.

### **"Flying Hostess" with Judith Barrett, William Gargan and William Hall**

(Universal, November 22; time, 65 min.)

Fair program entertainment. But if an exhibitor has shown the RKO picture "Without Orders" he cannot very well show this picture, because it depends for its closing punch scenes on a situation almost identical to the closing scenes in "Without Orders"; and in this case it has not been developed as dramatically as in the other. But those who are interested in aviation may find the picture interesting, for it shows how hostesses are trained. There are a few good comedy situations and some music. The various romances are developed in the routine manner:—

Judith Barrett, a nurse, is dejected when her two pals are accepted as hostesses by an aviation company and she is rejected because of the fact that her record showed that she had fainted at her first assignment in the operating room. In order to prove to William Gargan, head of the training school, that she has courage, she does a spectacular parachute jump. William Hall, a commercial pilot in Gargan's company, urges Gargan to give her a chance. He does and she turns out to be one of their best hostesses. Astrid Allwyn, Miss Barrett's pal, falls in love with and marries Addison Randall, who, she thought, was a successful business man. He turns out to be a crook and is arrested. He escapes with a pal from prison and boards a plane piloted by Hall and Andy Devine, with Miss Barrett as hostess. When his presence is discovered, he knocks out Devine and Hall, but is himself injured. Miss Barrett is compelled to pilot the plane herself. By following instructions given to her by Gargan, who was stationed at the landing field, she brings the plane down safely. She is honored for her courage. She marries Hall, much to Gargan's regret for he, too, had fallen in love with her.

George Sayre wrote the story, and Harry Clork, Brown Holmes and Harvey Gates the screen play; Murray Roth directed it and Edmund Grainger produced it. In the cast are Ella Logan, Jonathan Hale, and others.

Suitable for all. Class A.



**"North of Nome" with Jack Holt  
and Evelyn Venable**

(Columbia, November 14; time, 61½ min.)

A good program melodrama, with an appeal particularly to men. The story is interesting, as is the rugged background of the Alaskan seal country. Jack Holt, despite his harsh manner, awakens sympathy because of his honesty and courage; he plays the role of the seal poacher with conviction. The romantic interest is developed realistically and with restraint. There is a good sprinkling of comedy; the laughs are provoked by the actions of Dorothy Appleby and Paul Hurst. The closing scenes are fairly exciting:—

Holt, who believed he was within his rights in seal poaching on the property of a large corporation, which had taken control of the best land, finds himself up against a worse menace than the company—Guinn Williams, a murderous poacher, who, at the point of a gun, takes away all the furs that Holt had collected. Holt takes refuge in a hut provided by the seal company for their workers, but he blows up the dock so that Williams could not reach him. His intention was to hunt, and wait until the waters would freeze so that he might move the furs. His plans are interfered with when he rescues five shipwreck victims,—Evelyn Venable, Roger Imhof, the owner of the seal company, John Miljan, Miss Appleby and Hurst. He refuses to permit them to light a fire for help, his intention being to keep them there until he could move his furs. In a quarrel with Holt, Miljan fires at him; but the bullet strikes Miss Venable. Holt realizes he must get medical help for her, and signals a ship, supposedly belonging to Imhof's company. But when they are all aboard they learn that Williams had taken over the boat. When Williams finds out that Imhof was the judge who had put a price on his head, he decides to kill him, but Holt, by a ruse, overpowers the gang. Miss Venable, taken to a hospital, recovers. Imhof offers Holt a good position with his company, which he accepts. He is happy when Miss Venable tells him she loves him.

Houston Branch wrote the story, and Albert DeMond the screen play; William Nigh directed it and Larry Darmour produced it. In the cast are Robert Gleckler, Ben Hendricks and others.

Suitable for all. Class A.

**"The Garden of Allah" with Marlene  
Dietrich and Charles Boyer**

(United Artists, November 20; time, 78½ min.)

Artistically this is an outstanding picture; the production and acting are superb, and the color and musical score add to the atmospheric setting. But as entertainment it is suitable mostly for cultured audiences, and for people with a deep religious feeling. The masses may find the action too slow, and the constant brooding of Miss Dietrich and Mr. Boyer considerably depressing. The parting of the lovers in the end should prove romantically disappointing to many people, even though it has strong emotional appeal. The most stirring situation is that in which Boyer attempts to explain to Miss Dietrich his reasons for breaking his solemn vows as a Trappist monk. Miss Dietrich awakens deep sympathy when she sacrifices her happiness in order to bring peace to Boyer:—

Boyer leaves the monastery, breaking his vows as a Trappist monk. He goes to the desert, hoping to find there the peace he wanted. He meets and falls in love with Miss Dietrich, a cultured, religious young woman who, too, had gone to the desert to get away from every one she knew; she falls desperately in love with him; when she notices that he is brooding over something, she begs him to confide in her; but he refuses. She marries him and for a time is divinely happy. A young soldier recognizes Boyer and tells Basil Rathbone, Miss Dietrich's friend, about it. Rathbone feels that Miss Dietrich should know this and tells her who Boyer is. Although she is heartbroken at the thought of parting from Boyer, she insists that he go back to his religious life. The lovers tearfully part at the gates of the monastery.

The plot was adapted from the novel by Robert Hichens. W. P. Lipscomb and Lynn Riggs wrote the screen play, Richard Boleslawski directed it, and David O. Selznick produced it. In the cast are C. Aubrey Smith, Tilly Losch, Joseph Schildkraut, and others.

Although there is nothing in it morally objectionable, it will hardly entertain either children or young gay folk. It is mainly an adult picture. But morally it is suitable for the entire family. Class A.

**"Luckiest Girl in the World" with Jane  
Wyatt and Louis Hayward**

(Universal, November 15; time, 71 min.)

A fairly good program comedy. The plot is pretty thin, but many of the situations stir the emotions of sympathy. Jane Wyatt, as the wealthy heroine, who tries to live on \$150 a month, is so appealing and convincing in the part, that she has the spectator's sympathy at all times. Some of the laughter is provoked by her efforts to economize. Nat Pendleton, in the role of a private detective, sent by Miss Wyatt's father to act as her bodyguard, is amusing, particularly in the scenes showing him at a prizefight, where his favorite boxer is knocked out. The romance between Miss Wyatt and Louis Hayward is developed in a pleasant way:—

Miss Wyatt, daughter of Eugene Pallette, a millionaire, tries to win her father's consent to marry Philip Reed, a good-looking tennis player, whose income averaged \$150 a month. Pallette tells her that if she would go to New York and live on \$150 for one month he would give such consent. She goes to New York and registers at an expensive hotel, but, realizing that she must economize, she takes an apartment in a rooming house, where she is compelled to share the bathroom and kitchen with Hayward, another tenant. They quarrel at first, but finally become good friends, sharing the food and the work. Miss Wyatt does not tell him who she is. Hayward cannot understand why Pendleton is always with them, but Miss Wyatt makes excuses that sound plausible. He proposes to her but she rejects him, telling him she loves Reed. He eventually finds out who she is and berates her for having made a fool of him. The month ends just as Reed runs off with a girl who was just a little wealthier than Miss Wyatt. She is overjoyed, for she realizes it is Hayward whom she really loves. They are joyfully reunited.

Ann Jordan wrote the story, and Herbert Fields and Henry Myers the screenplay; Edward Buzzell directed it and Charles R. Rogers and Morrie Ryskind produced it. In the cast are Catharine Doucet, Viola Callahan, and others. Suitable for all. Class A.

**"The Captain's Kid" with Guy Kibbee  
and Sybil Jason**

(First National, November 14; time, 71½ min.)

Pretty weak program fare. The story is inane and so far-fetched that it becomes annoying. It is not even suitable as entertainment for children, because of the fact that Sybil Jason, a youngster, is shown glorying in stories of murder and robbery, as told to her by Guy Kibbee, who liked to spin yarns about himself; she even delights in watching him actually kill a man. Although his yarns and her reaction to them are told in a comical fashion, it is not the most healthful way to entertain children. Little Sybil carries most of the entertainment on her shoulders and does as well as she can under the circumstances. There is some human interest in the love that Kibbee and Sybil feel for each other:—

The moment Sybil arrives with her aunt (May Robson) at their summer home on the New England coast, she, disobeying her aunt's orders, rushes to see Kibbee, a skipper, whom she loved. Sybil believes all the yarns Kibbee tells her about how brave he used to be, how he had killed many men with his bare hands, and had shot down others, how he had captured ships, and other highly exaggerated tales. She finds a map of a hidden treasure in an old picture frame in the attic and rushes with it to Kibbee, who is in jail; she helps him get out. Kibbee, his nephew, Sybil, and Sybil's sister go to the island and start digging for the treasure; to their joy, they find it. They are surprised by Dick Purcell and his accomplice, who had followed them to the island. Kibbee, in a fight with Purcell, who had drawn a gun, kills him. He is arrested by the Sheriff who, too, had followed him to the island. At the coroner's inquest Sybil is called to testify. Thinking she could scare the jurors into freeing Kibbee, she repeats all the stories he had told her about his prowess as a murderer and about his intention to kill the jurors; she even makes him show the gun and knife she had brought for him. This gets him into deeper trouble. When the authorities find out that the dead man was a criminal, with a price on his head, Kibbee is freed, and the treasure turned over to him. He proposes and is accepted by Miss Robson, whom he had always loved.

Earl Felton wrote the story, and Tom Reed the screen play; Nick Grinde directed it. In the cast are Jane Bryan, Fred Lawrence, Mary Treen, and Gus Shy.

Not suitable for children. Class B.



Jolson; "The Golden Arrow," with Betty Davis, and "Earthworm Tractors," with Joe E. Brown.

Bear in mind, however, that James Cagney and Joe E. Brown are not in the employ of this company for the 1936-37 season.

#### 1936-37 Season

Information about the box office performances of the 1936-37 pictures of First National has been received for only four pictures:

"Stage Struck," with Dick Powell, Joan Blondell and Warren William: Good to Fair (with a few reports Poor). This paper states with regret that, according to information from exhibitors, Dick Powell is losing his popularity very fast; some of them have stated that he has lost it already.

"Down the Stretch," with Patricia Ellis and Mickey Rooney: Fair. These two players, though capable, do not mean much to the box office.

"Here Comes Carter" ("The Tattler"), with Ross Alexander and Anne Nagel: Poor. Neither of these players means much to the box office.

"The Captain's Kid," with Guy Kibbee and Sybil Jason: Fair to Poor. The story is inane and the players, although capable, are not popular enough to supply the box office needs.

The first four pictures First National released in the 1935-36 season had two meritorious productions: "The Goose and the Gander," and "Shipmates Forever." This season's first four do not include even one meritorious picture.

### Metro-Goldwyn-Mayer

This company sold fifty features, and "Broadway Melody" and "The Great Ziegfeld," making fifty-two. In addition to these, it sold "Smilin' Through," with Norma Shearer, which was a re-issue.

But early in February it sent to its accounts a Rider asking them to cancel ten pictures and to accept eight others in their places.

Those who signed the Rider are entitled to receive only forty-eight regular features, or fifty-one in all with the other three.

Up to "Libeled Lady" this company has released forty-two features, and has announced for release two more—"Love on the Run," with Clark Gable and Joan Crawford, and "Camille," with Greta Garbo. We may assume, however, that these two pictures will be delivered to the 1935-36 accounts definitely, except to those who have signed another Rider, releasing MGM of the obligation of delivering certain 9 pictures from this season's product.

The following is the grading of these pictures:

Excellent, 6: "China Seas," "Broadway Melody," "A Tale of Two Cities," "Rose Marie," "San Francisco," and "Libeled Lady."

Excellent to Very Good, None.

Very Good, 4: "A Night at the Opera," "Wife Versus Secretary," "A Small Town Girl," and "The Gorgeous Hussy."

Very Good to Good, 3: "Ah, Wilderness!" "His Brother's Wife," and "The Devil Is a Sissy."

Good, 7: "Anna Karenina," "Exclusive Story," "Petticoat Fever," "The Unguarded Hour," "Fury," "Piccadilly Jim," and "Old Hutch."

Good to Fair, 2: "The Robinhood of Eldorado," and "The Devil Doll."

Fair, 4: "Here Comes the Band," "Speed," "Trouble for Two," and "We Went to College."

Fair to Poor, 5: "The Bishop Misbehaves," "It's in the Air," "A Perfect Gentleman," "Tough Guy," and "The Voice of Bugle Ann."

Poor, 11: "Murder Man," "Woman Wanted," "Pursuit," "Kind Lady," "Last of the Pagans," "Three Live Ghosts," "The Garden Murder Case," "Three Godfathers," "Moonlight Murder," "Absolute Quiet," and "Three Wise Guys."

If we should assume that "Love on the Run," with the Gable-Crawford team, will be as good as "Wife Vs.

Secretary," we may grade it as Very Good, and if "Camille" should show the same box office result as "Anna Karenina," then we may grade it as Good. In such a case the pictures of the Very Good Grade become 5, and those of the Good grade become 8.

Recapitulating the gradings without the titles, the results are as follows, counting in "Love on the Run" and "Camille":

Excellent, 6; Very Good, 5; Very Good to Good, 3; Good, 8; Good to Fair, 2; Fair, 4; Fair to Poor, 5; Poor, 11.

MGM must release 6 more pictures to complete its schedule of 50.

The number of pictures, regardless of their box office performance, this company has delivered with first and second-rank stars is as follows:

First rank, 14: "China Seas," with Clark Gable, Jean Harlow, and Wallace Beery; "Anna Karenina," with Greta Garbo, Fredric March, and Freddie Bartholomew; "Broadway Melody," with Robert Taylor, Eleanor Powell, and Jack Benny; "A Night at the Opera," with the Marx Brothers; "Rose Marie," with Jeanette MacDonald and Nelson Eddy; "Wife vs. Secretary," with Clark Gable, Myrna Loy, and Jean Harlow; "A Small Town Girl," with Robert Taylor and Janet Gaynor; "San Francisco," with Clark Gable and Jeanette MacDonald; "His Brother's Wife," with Robert Taylor and Barbara Stanwyck; "The Gorgeous Hussy," with Joan Crawford; "The Devil is a Sissy," with Freddie Bartholomew; "Libeled Lady," with William Powell, Myrna Loy, Jean Harlow, and Spencer Tracy; "Love on the Run," with Clark Gable and Joan Crawford; and "Camille," with Greta Garbo.

Second rank, 10: "Ah, Wilderness!" with Lionel Barrymore and Wallace Beery; "A Tale of Two Cities," with Ronald Colman; "The Voice of Bugle Ann," with Lionel Barrymore; "Petticoat Fever," with Robert Montgomery; "The Unguarded Hour," with Loretta Young; "The Robinhood of Eldorado," with Warner Baxter; "Trouble for Two," with Robert Montgomery; "Fury," with Spencer Tracy and Sylvia Sidney; "The Devil Doll," with Lionel Barrymore; and "Piccadilly Jim," with Robert Montgomery and Madge Evans.

Metro-Goldwyn-Mayer has to go some to beat this record in the 1936-37 season.

#### 1936-37 Season

"Women Are Trouble," with Stuart Erwin, Paul Kelly, and Florence Rice: Fair. These players don't seem to mean much to the box office.

"Kelly the Second," with Patsy Kelly. Miss Kelly is a fine comedienne, and those who see her in a picture like her. But I doubt whether she is more than a fair box office attraction.

"The Great Ziegfeld": Of the theatres that reported in this check-up, 42.50% said it is Excellent, 15% Very Good, and 42.50% Good. We may put in down as Very Good.

"Sworn Enemy," with Robert Young and Florence Rice: Fair. Mr. Young is not more than a fair drawing card.

"The Longest Night," with Robert Young and Florence Rice: Fair to Poor. Even if the picture were excellent, still it would not have drawn so much when two pictures with these two players are released one after the other.

"All American Chump," with Stuart Erwin, Robert Armstrong, and Betty Furness: Fair. The players are good, but not drawing cards.

"Mr. Cinderella," with Jack Haley and Betty Furness: Fair. The players mean very little to the box office.

### HEARST NEWS UNDER NEW TITLE HISSED WORSE

Metrotone News received so much hissing whenever it was flashed on the screens that William Randolph Hearst decided to change its name to "News of the Day." He went so far as to change the commentator, engaging a man in his place who had never had any Hearst affiliations.

But the public got wise to the change and "News of the Day" is hissed worse than Metrotone News was.

The public seems to refuse to be "taken."

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## Box Office Performances of 1935-36 and 1936-37 Pictures—No. 2

### Paramount

(1935-36 Season)

The following are the box office performances of this company's 1935-36 season's pictures:

Excellent, 1: "Trail of the Lonesome Pine."

Excellent to Very Good, 1: "Rhythm on the Range."

Very Good, 1: "Desire."

Very Good to Good, 4: "The Bride Comes Home," "The Milky Way," "The Moon's Our Home," and "Poppy."

Good, 6: "The Big Broadcast of 1936," "Hands Across the Table," "The Crusades," "Collegiate," "Anything Goes," and "Thirteen Hours in the Air."

Good to Fair, 6: "Accent on Youth," "Two for Tonight," "Mary Burns, Fugitive," "So Red the Rose," "Early to Bed," and "Yours for the Asking."

Fair, 11: "Every Night at Eight," "The Last Outpost," "Rose of the Rancho," "Big Brown Eyes," "Florida Special," "The Case Against Mrs. Ames," "Palm Springs," "And Sudden Death," "The Return of Sophie Lang," "Spendthrift," and "Three Cheers for Love."

Fair to Poor, 9: "Here Comes Cookie," "The Virginia Judge," "Peter Ibbetson," "Too Many Parents," "Till We Meet Again," "Forgotten Faces," "Border Flight," "Girl of the Ozarks," and "A Son Comes Home."

Poor, 20: "This Woman is Mine," "Without Regrets," "Annapolis Farewell," "Two Fisted," "Ship Cafe," "Coronado," "Millions in the Air," "Scrooge," "It's a Great Life," "Her Master's Voice," "Soak the Rich," "Timothy's Quest," "Woman Trap," "Klondike Annie," "The Preview Murder Case," "Give Us this Night," "F-Men," "Sky Parade," "Fatal Lady," and "The Princess Comes Across."

In addition to these, Paramount has released "Little America," which was sold on an individual contract, and 12 westerns. Information about the box office performances of the westerns was not asked, but was about "Little America," which they reported as having done poor business.

Recapitulating the gradings without the titles of the pictures, we find that the results are as follows:

Excellent, 1; Excellent to Very Good, 1; Very Good, 1; Very Good to Good, 4; Good, 6; Good to Fair, 6; Fair, 11; Fair to Poor, 9; Poor, 20.

The number of pictures this company has delivered with first and second rank stars, regardless of their box office worth, are the following:

Pictures with first-rank stars, 7: "Two for Tonight," with Bing Crosby; "Peter Ibbetson," with Gary Cooper and Ann Harding; "The Bride Comes Home," with Claudette Colbert; "Anything Goes," with Bing Crosby and Charles Ruggles; "Desire," with Gary Cooper and Marlene Dietrich; "Poppy," with W. C. Fields; and "Rhythm on the Range," with Bing Crosby.

Pictures with second-rank stars, 13: "Every Night at Eight," with George Raft; "Accent on Youth," with Sylvia Sidney and Herbert Marshall; "Here Comes Cookie," with Burns and Allen; "The Big Broadcast of 1936," with Burns and Allen, and Jack Oakie; "Hands Across the Table," with Carole Lombard; "Mary Burns, Fugitive," with Sylvia Sidney; "So Red the Rose," with Margaret Sullivan and Walter Connolly; "Klondike Annie," with Mac West and Victor McLaglen; "Trail of the Lonesome Pine," with Sylvia Sidney; "The Moon's Our Home," with Margaret Sullivan; "The Princess Comes Across," with Carole Lombard; "Early to Bed," with Charles Ruggles and Mary Boland; and "Yours for the Asking," with George Raft and Lionel Barrymore.

(1936-37 Season)

"My American Wife," with Francis Lederer: Good. Mr. Lederer is a fair drawing card; but only with good stories.

"I'd Give My Life," with Tom Brown and Frances Drake: Fair. The stars do not mean much to the box office.

"Hollywood Boulevard," with John Halliday, Robert Cummings, and Marsha Hunt: Poor. Mr. Halliday is all right for a character part, but not for a star; Robert Cummings and Marsha Hunt do not mean much to the box office.

"Texas Rangers," with Fred MacMurray, Jack Oakie, and Jean Parker: Very Good. The combination of players is pretty good for the box office, but the picture did better than that, because of its magnitude.

"Straight from the Shoulder," with David Holt and Ralph Bellamy: Fair to Poor. The players don't mean much.

"Lady Be Careful," with Lew Ayres and Mary Carlisle: Good to Fair. The players are fair drawing cards.

"The General Died at Dawn," with Gary Cooper: Very Good to Good.

"Three Married Men," with Roscoe Karns and Mary Brian: Fair to Poor. The players don't mean a "dime" to the box office, even though they do good work in pictures.

"Wives Never Know," with Charles Ruggles, Mary Boland, and Adolphe Menjou: Fair. The story is poor.

"Murder with Pictures," with Lew Ayres and Gail Patrick: Fair to Poor. Poor story, and players do not draw more than fair.

"Valiant is the Word for Carrie," with Gladys George, Jackie Moran, Arline Judge, and Harry Carey: Very Good to Good. The picture is excellent and Gladys George does such good work that she deserves to be placed in the second rank as a star. One or two more pictures like this one and she will be a first-rank screen star. Harry Carey, too, helps.

"The Big Broadcast of 1937," with Burns and Allen, Jack Benny, Bob Burns, Benny Fields, Sam Hearn and others: Excellent to Very Good. The player combination is first rate, and although the plot is weak the picture draws, because of these names.

"Wedding Present," with Cary Grant and Joan Bennett: From Good to Fair. The players are fair at the box office.

"Accusing Finger," with Paul Kelly, Kent Taylor, Marsha Hunt and Harry Carey: Fair. The story is not cheerful.

"Rose Bowl," with Tom Brown, Eleanor Whitney, Buster Crabbe: Fair to Poor. Story poor, and players do not mean much to the box office.

Grouping the first fifteen of the 1936-37 season, and comparing them with the first fifteen of the 1935-36 season (excluding the westerns and "Little America,"), we get the following results:

Last season: Excellent, None; Excellent to Very Good, None; Very Good, None, Very Good to Good, None; Good, 3; Good to Fair, 2; Fair, 2; Fair to Poor, 3; Poor, 5.

This season: Excellent, None, Excellent to Very Good, 1; Very Good, 1; Very Good to Good, 3; Good, 1; Good to Fair, 2; Fair, 2; Fair to Poor, 3; Poor, 2.

This season the program is showing an improvement.

## THE STATUS OF THE UNDELIVERED 1935-36 SEASON'S MGM PICTURES

An exhibitor has written me as follows:

"I bought MGM's 1935-36 features but I did not sign the Rider whereby I was to accept eight other features instead of Nos. 603, 605, 627, 634, 635, 637, 640, 641, 642, and 647. Should they release any of these pictures this year, am I entitled to them, even though they may change the numbers?"

(Continued on last page)



**"Three Men on a Horse" with Frank McHugh, Joan Blondell and Allen Jenkins**

(Warner Bros., Nov. 21; time, 86 min.)

This farce should keep audiences laughing from the beginning to the very end. The dialogue, though slightly vulgar in spots, is consistently comical, and provokes hearty laughs. The action is fast and does not let up for one minute. But more than anything else it is to the credit of the players—Joan Blondell, Frank McHugh, Teddy Hart and Sam Levine (the latter two from the stage play) that the picture is so good an entertainment, for they play their respective parts naturally and with zest. The masses should find this picture much to their taste:—

McHugh a gentle soul, whose occupation is writing cards for mother's day and birthdays for a firm owned by Guy Kibbee, is disgusted at his wife's extravagances and his brother-in-law's interference in his home life. Instead of going to work he goes off on a spree and becomes drunk. At a cafe he meets a group of petty gamblers, Jenkins, Levine and Hart, and tells them of his ability to pick the winners in horse races which he does as a hobby. When he becomes unconscious from too much drink, they take him to their room at the hotel where they treat him with kindness and even show a willingness to help him write his poetry if he will only pick the winners for them. He is so accustomed to picking the horses while riding on a bus that Hart is sent to ride up and down on a bus with him. His wife is frantic, not knowing what had happened to her husband, and Kibbee is angry because McHugh had failed to turn in the verses. The gamblers give McHugh a share of the profits from the winnings they make on his pickings. Jenkins feels that McHugh had double-crossed them on one race. They take him to the race and threaten him with a beating if the horse he had picked does not come in. At first another horse wins and things look bad for McHugh, but then an announcement is made that the winner had been disqualified and McHugh's choice is the winner. McHugh tells them that now that he had seen a horse race and bet on it he can never pick a winner again. But he is happy; he asserts himself, demands from his employer an increase in salary and gets it, and goes back to a happy life with his wife.

John Cecil Holm wrote the stage play, Laird Doyle the screen play, Mervyn LeRoy directed it and Sam Bischoff supervised. In the cast are Edgar Kennedy, Paul Turner, and others.

Exhibitors may find the dialogue a little too racy for children. Good for adults. *Class B.*

**"The Big Show" with Gene Autry**

(Republic, Nov. 16; running time, 70 min.)

A good Western. The story, by virtue of the colorful background of the Texas Centennial fair, is better than the average picture of this type. The Gene Autry fans should be entertained by his singing as well as by his prowess as a horseback rider. There are several exciting fist fights, and a good chase in the closing scenes, where Autry and several Texas Rangers go after crooks. The comedy is fairly amusing. Autry plays a dual role; in the course of the story he is compelled to impersonate a star actor (also played by Autry). This leads to situations that hold the spectator in suspense:—

Autry, a stunt man, doubling for a star actor (Autry), is well liked, but the star is disliked by all. When the star goes off on a fishing trip without notifying the studio of his whereabouts, the studio's publicity agent is frantic, because he was supposed to make a personal appearance at the Texas Centennial fair. The publicity agent appeals to the stunt man to help him out and he agrees to impersonate the star and go through the routine planned for him. A few gangsters learn of the trick. They threaten the studio with exposure unless they pay them \$25,000. The stunt man, sick of fooling every one, particularly Kay Hughes, with whom he had fallen in love, tells the crowd that he is not the star. But they do not resent this because they like him. The studio realizes that they have a potential star in the stunt man, for he had a good voice and was a courageous rider. The stunt man, learning of the \$25,000 bribe, rushes after the gangsters and captures them. The studio engages him as their star, demoting the former star to the role of stunt man.

Dorrell McGowan and Stuart McGowan wrote the story and screen play; Mack V. Wright directed it and Nat Levine produced it. In the cast are Smiley Burnette, Sally Payne, Charles Judels, and others.

Suitable for all. *Class A.*

**"Lady from Nowhere" with Mary Astor and Charles Quigley**

(Columbia, Nov. 21; time, 60 min.)

A moderately entertaining program melodrama. The plot is the familiar one of gangsters attempting to kill a witness to a murder committed by one of the gang; this version differs little from its predecessors. The homespun type of comedy provoked by the friendly bickering between Victor Kilian and Spencer Charters falls rather flat. The closing scenes, where the gangsters threaten to kill Miss Astor, the witness, are fairly exciting. A mild romance is worked into the plot:—

Miss Astor, a manicurist, is a witness to a murder committed in a hotel room to which she had been summoned by a gangster. She escapes and, upon the advice of her girl friend, runs away to a country town. She meets Charles Quigley, reporter for the small town paper, and leads him to believe that she is the missing heiress the papers had been writing about. She begs him not to give her away. Spencer Charters, Quigley's grandfather, permits Miss Astor to live in his home. He realizes that Quigley is falling in love with Miss Astor and decides to put a stop to it. Thinking that she is the heiress, he wires Thurston Hall, the heiress' father, to call for his daughter. In the meantime, the gangsters, who had found out Miss Astor's hiding place and had killed her pal so that she could not warn Miss Astor, rush there. They tell Miss Astor that, unless she goes with them, they will kill Quigley; she goes. Charters induces his friends to block the road so that the gangster car could not pass; he promises each a part of the reward that Hall was offering for his daughter's return. Complications arise when Hall, upon seeing Miss Astor denounces Charters for having brought him on a wild chase. The gangster car is about to proceed when Quigley arrives; he had found out about Miss Astor's predicament with regard to the gangsters. He and the farmers overpower the gangsters and save Miss Astor, who falls into Quigley's arms.

Ben G. Kohn wrote the story, and Arthur Strawn and Joseph Krungold the screen play. Gordon Wiles directed it.

Unsuitable for children. Adult entertainment. *Class B.*

**"Wanted! Jane Turner" with Gloria Stuart and Lee Tracy**

(RKO, Dec. 4; time, 66 min.)

A pretty good comedy-melodrama. It revolves around the activities of two postal inspectors—Gloria Stuart and Lee Tracy—to trap the gangsters responsible for holding up a United States mail truck and killing the driver; their sleuthing gets them into many exciting situations. Their wisecracking and bickering provokes many laughs. The spectator's attention is held until the end, mainly because of the sympathy one feels for John McGuire and Judith Blake, who become innocently involved in the trap set by the inspectors to catch the gangster leader (Paul Guilfoyle). A letter containing \$10,000 had been sent by Guilfoyle's henchmen to him addressed to a "Jane Turner"; this letter, the inspectors hoped, would lead them to Guilfoyle's hideout, for they planned to follow the person who would call for it. By a peculiar twist Miss Blake, who was named "Jane Turner," obtains the envelope and thus becomes involved in the trap. She had written to an old friend for a loan and had asked him to address it to "General Delivery." When she received the letter, she knew it did not belong to her, but did not know how to go about disposing of it. The closing scenes are extremely exciting and hold one in tense suspense, for Tracy, knowing that Guilfoyle needed the money, decides to lure him to Miss Blake's apartment and there trap him. Miss Stuart, who had gone to the Blake apartment to await the murderer's arrival, is surprised by his entrance through a window while she was watching the door. She is able to attract the attention of Tracy and the federal men by the use of a dictaphone which she had connected from Miss Blake's apartment to the apartment next door which she had used as headquarters. Tracy shoots Guilfoyle just as he attempts to kill Miss Stuart. Miss Blake and McGuire are cleared. Miss Stuart decides to accept Tracy's marriage proposal.

John Twist and Edmund L. Hartmann wrote the story, and John Twist the screen play. Edward Killy directed it and Cliff Reid produced it. In the cast are Frank M. Thomas, Irene Franklin, Patricia Wilder, and others.

Hardly suitable for children. Good for adults. *Class B.*



**"Jungle Princess" with Dorothy Lamour  
and Ray Milland**

(Paramount, Nov. 27; time, 83½ min.)

This jungle melodrama is up to the intelligence of ten year old children; adults will consider it too ridiculous to take it seriously. Paramount has probably tried to duplicate the success of the MGM Tarzan series by going them one better and presenting a female Tarzan; but it is an amateurish attempt. The idea of a girl, about seven years of age, existing in the jungle and growing to womanhood with tigers as her only companions is just one of the exaggerated portions of this film. But what will set audiences laughing is the fact that the grown girl, after one week's tutelage in English by Ray Milland, an explorer, is able to sing a song in the most perfect English diction. The producers have attempted to get the most out of the sex situations by showing that the actions of the jungle maiden are caused by her naivete. The closing scenes, in which the natives rebel, are the most exciting. Miss Lamour is beautiful, and is a capable actress, but she must be given better story material:—

Milland, an explorer, insists on remaining on in the jungle after his fiancé (Molly Lamont) and her father leave; his purpose is to find out what the natives meant by the laughing tiger. He starts out on a hunt and when he is lost from his party, they think he had been killed by a tiger. But he had been saved from the tiger by Miss Lamour, the jungle girl, who had grown up amongst the tigers and did not fear them. He stays with her until his twisted ankle is cured; she falls very much in love with him. When he leaves for his camp she follows, much to Milland's embarrassment, for his fiancé had returned. Miss Lamour's appearance causes the natives to rebel; they thought she was some kind of devil. They are finally subdued. Milland realizes that he loves Miss Lamour and bids farewell to his friends, telling them that he will live in the jungle with her.

Max Marcin wrote the story and Cyril Hume, Gerald Geraghty, and Gouverneur Morris, the screen play; William Thiele directed it, and E. Lloyd Sheldon produced it. In the cast are Akim Tamiroff, Mala, Hugh Buckler, and others.

Morally suitable for all. *Class A.*

**"White Hunter" with Warner Baxter  
and June Lang**

(20th Century-Fox, Dec. 4; time, 65 min.)

Pretty dull entertainment. It looks as if the producers had some film left over from a travelogue picture and decided to make use of it by building a story around it. The general effect is one of boredom, for the plot is inane and the action slow. Sometimes jungle pictures offer exciting scenes of animal life, but not so in this version. The only interesting scene is that in which a lioness searches the camp to which her cub had been taken, and departs with her baby when the hero, to save the heroine from the lioness, throws it to her. The actions of the different characters seem forced; even the romance between Warner Baxter and June Lang lacks realism:—

Baxter, earning his living in the jungle as a leader of safaris, accepts the job of heading a safari being prepared for Wilfrid Lawson, a millionaire ammunition manufacturer, and his party. Baxter hated Lawson, who had brought about his downfall when Baxter, as the British Secretary of War, had refused to buy ammunition from Lawson at exorbitant prices. Lawson had framed Baxter, who had been compelled to run away from London and hide in the jungle where no one could find him. Baxter feels that his time for revenge had arrived. Lawson and his second wife, Gail Patrick, are shocked to find Baxter at the head of their safari. Miss Patrick, who had been Baxter's former sweetheart, tries to gain his affections again, much to the disgust of Lawson, who decides to separate from her. But Lawson is unhappy because Miss Lang, his daughter, had fallen in love with Baxter; all the arguments he uses against him cannot dissuade her. Baxter saves Miss Lang's life on two occasions. Lawson is grateful and promises to clear his name, even though it meant his own ruin. He leaves with his party for London, tearfully bidding farewell to his daughter, who had learned the truth and wanted to stay with Baxter.

Gene Markey wrote the story and produced the picture. Sam Duncan and Kenneth Earl wrote the screen play, and Irving Cummings directed it. In the cast are Alison Skipworth, George Hassell, and others.

There is nothing morally wrong with the picture. *Class A.*

**"Love on the Run" with Joan Crawford,  
Clark Gable and Franchot Tone**

(MGM, Nov. 20; running time, 80 min.)

Good! Despite a far-fetched and at times ridiculous plot, this is the type of entertainment that should appeal to the masses, for it is gay and romantic, and the dialogue is extremely comical throughout. What the story lacks in credibility is made up for by the fast action and exciting situations. Many of the laughs are provoked by the manner in which Clark Gable and Franchot Tone, both foreign correspondents, double-cross each other in the matter of scoops for their respective newspapers. One of the most comical situations is that in which Gable and Miss Crawford, seeking shelter for the night in a museum, are entertained by the demented caretaker. Many exciting situations arise when Gable and Miss Crawford inadvertently become involved with international spies. The three stars enter into the spirit of the comedy and are of considerable help to the entertaining quality of the picture:—

Gable and Tone, foreign correspondents, mistrust each other in the matter of news. Gable agrees to cover the wedding of the socially prominent Miss Crawford to a Count, while Tone agrees to interview Reginald Owen, a Baron, who was to make a record flight. Gable notices Miss Crawford rushing out of the church through a side door and follows her to the hotel. Knowing that she hated reporters, he pretends to help her by keeping all reporters away. He steals the aviation clothes of the Baron and his wife, locks them (together with Tone) in a closet, and then rushes off in the plane with Miss Crawford. Miss Crawford finds a map in the plane which definitely establishes Owen as a spy. When the plane crashes, they proceed on their way by walking and hitching. They are chased by Owen, his gang, and Tone, who is angry at Gable for having double-crossed him. Eventually they are captured by Owen's men and taken to their hideout. By a ruse they manage to escape, turn the spies over to the police, and the map over to the Intelligence Department. Miss Crawford, who had found out about Gable's profession, forgives him and plans to marry him. And the important story is sent to the newspapers with both the signatures of Gable and Tone appearing on it.

Alan Green and Julian Brodie wrote the magazine story from which this was adapted. John Lee Mahin, Manuel Seff and Gladys Hurlburt wrote the screen play. Clarence Brown and W. S. Van Dyke directed it, and Joseph L. Mankiewicz produced it. In the cast are Mona Barrie, Ivan Lebedeff, Donald Meek, and others.

Suitable for all. *Class A.*

**"Smartest Girl in Town" with Ann Sothorn  
and Gene Raymond**

(RKO, Nov. 27; time, 57 min.)

A fair romantic comedy of program grade; the production is above average. The plot is, however, quite thin, and the action lags at different times because of considerable padding. Helen Broderick and Eric Blore manage to make the most of the material given to them; it is not their fault that some of the comedy situations fall flat. Ann Sothorn and Gene Raymond are a pleasant team; they handle the light romantic situations deftly:—

Blore, butler to Raymond, thinking his employer is out of town, permits an advertising firm to use Raymond's yacht as the background for photographing pictures of Miss Sothorn and a male model. Raymond unexpectedly arrives but, having been attracted to Miss Sothorn, warns Blore not to give his identity away. Miss Sothorn believes that he is the model and treats him accordingly. She refuses his dinner invitation, telling him that she intends to marry a man of wealth and will not waste her time on a poor model. He pursues her for weeks at the end of which time they are very much in love with each other. Miss Sothorn, however, refuses to marry a poor man and makes plans to marry Erik Rhodes, a silly but wealthy nobleman. Raymond, by pretending to have shot himself, wins Miss Sothorn over; she marries him instead. To her joy she discovers that he is a man of wealth.

H. S. Kraft and Muriel Scheck wrote the story, and Viola Brothers Shore the screen play. Joseph Santley directed it and Edward Kaufman produced it. In the cast are Harry Jans, Frank Jenks, and others.

Suitable for all. *Class A.*



Because there are undoubtedly many other exhibitors who find themselves in the same situation, and because this office has received numerous inquiries relating to this question and requiring almost a similar answer, I am taking the liberty of answering all these questions in this editorial.

Those who did not sign the Rider releasing MGM from the obligation of delivering Nos. 603 "Forty Days of Musa Dagh"; 605 "The Great Ziegfeld"; 627 Musical No. 3; 634 Joan Crawford No. 2; 635 Joan Crawford No. 3; 637 Clark Gable No. 2; 640 Jean Harlow No. 1; 641 Jean Harlow No. 2; 642 Jeanette MacDonald No. 1, and 647 Grace Moore No. 1, are entitled to them if they should be released during the term of the 1935-36 contract, regardless of whether MGM changes the identification numbers or not, provided MGM did not notify those who hold contracts of Form 809-A fifteen days prior to August 31, 1936, that it will consider all "not generally released" pictures excluded from the contract (this cannot be done by MGM in the case of those who hold contracts of Form 831).

It is important, however, that your attention be called to certain other matters pertaining to both forms of the MGM contract, on the strength of which MGM may refuse to deliver some of these pictures.

To begin with, MGM is not under an obligation to deliver "Forty Days of Musa Dagh," by reason of the fact that it will not produce it (as a result of a protest by the Turkish Government). Then again, it is not under an obligation to deliver "The Great Ziegfeld," on the strength of the roadshow clause. But in such an event, the exhibitor is entitled to reject one picture, for the contract gives him the right to reject one picture for every picture MGM roadshows (not to exceed two). This leaves eight pictures.

The schedule has the following provision under "B":

"It is further understood and agreed that Distributor may release at any time, and independently of this agreement, an additional motion picture of any star listed in the Schedule (but not more than three (3) such additional motion pictures altogether during the term of this agreement); that nothing in this agreement contained gives Exhibitor any right to any of such additional motion pictures, and that any thereof, whenever released, may be exhibited and/or licensed for exhibition by Distributor free of any claim thereto by Exhibitor hereunder, and without affecting in any manner Distributor's obligation to furnish and Exhibitor's obligation to play and/or pay for any and all the motion pictures contracted for hereunder."

On the strength of this provision, MGM could withhold any three of the remaining eight pictures under discussion. This leaves five pictures MGM is under an obligation to deliver.

The rights of the contract holders are of problematical value on these five, and to enforce them they would have to resort to court litigation, unless they signed the optional arbitration clause. And even then there are so many "highways" and "byways" that it is doubtful whether they could bring about an observance of their rights.

But there is still another clause that affects the 1935-36 pictures, even though not limited to the particular ten we are discussing. I am referring to provision "A" of the Schedule; it reads as follows:

"It is understood and agreed that where a motion picture is designated in this Schedule only by the name of a single star, or only by the name of a single director, this shall not refer to and there shall not be included herein because of such designation any picture in which the said star shall appear with any other star or stars, whether designated in the Schedule or not, nor any picture which may be directed by the said director and in which there shall appear any star or stars."

In other words, where a picture has been sold with one star, and one other star or two other stars co-star with such star, MGM may withhold delivery of it and be within its contractual rights. This provision affects such pictures as No. 636 "San Francisco" and No. 648 "Libeled Lady," for 636 was sold originally with Clark Gable alone, and in the picture Jeanette MacDonald co-stars with Gable, and 648 was sold with William Powell alone, and Myrna Loy and Jean Harlow co-star with him.

The contract is, of course, "cock-eyed," but the purpose of this editorial is to present facts, so that, in the future, you may demand a more equitable contract not only from MGM but also from every other distributor, for the contracts of all distributors are inequitable.

I suggest to those exhibitors who have not yet signed the Rider to sign it, for in this manner they will get something, whereas if they don't sign it I am not sure whether they will get anything.

The Neely-Pettengill Bill and the Bill Allied States is preparing to introduce in the legislatures of the different states separating exhibition from production are the only mediums by which equity in the terms of the producer contracts will be brought about.

## DISTRIBUTOR EMPLOYEES OPERATING THEATRES

In the issue of August 22, this year, HARRISON'S REPORTS published a letter from an exhibitor in Philadelphia stating that Bob Lynch, manager of the Philadelphia territory for MGM, was backing up his son-in-law in a partnership arrangement, to operate the Grand Opera House, in downtown Philadelphia, which theatre had been closed for three years; that Mr. Moss, district manager for Twentieth Century-Fox, has a house in Souderton, Pa., for his son-in-law, with no opposition; that Al Davis, salesman for Twentieth Century-Fox, is interested in a theatre in New Jersey, with no opposition.

I have now been informed reliably that Bob Lynch has disposed of his interest in the Grand Opera House entirely, but I have not yet heard whether the other two distributor employees have disposed of their interests in the theatres mentioned.

This week another letter has come from a prominent exhibitor in Minneapolis, reading as follows:

"With reference to a recent item carried in your publication concerning the operation of theatres by exchange men, let me tell you in confidence that Bob Workman, MGM manager, is a partner in a theatre at Crafton, North Dakota; that Clatworthy, Metro's salesman, operates the theatre in Walker, Minnesota; that Saul Frank, film salesman is a partner at Lakeville; that L. W. Hummel, Paramount salesman, is building in Kasson, Minnesota, a town of 1,000 population, which already has an independent theatre.

"Some of this, of course, might be hard to prove, but it is an open secret."

So far as Bob Workman, Clatworthy and Saul Frank are concerned, let me say that, for a long time I have known that Metro-Goldwyn-Mayer does not permit its sales representatives to own or operate a picture theatre while they are yet in its employ. For this reason I believe that the Home Office, with which I have taken up the matter, will order these men to divorce themselves from their theatre operating activities, if the information of this correspondent is accurate.

But so far as L. W. Hummel is concerned, let me say that, since I do not know what the policy of the Paramount Home Office is in such matters, I cannot say what action it will take in regards to him. It may investigate the matter and, if it finds this correspondent's statement accurate, may order him to divorce himself from the business of that theatre.

The home offices of the distributors should not permit their employees either to own theatres directly or to operate them, for the reason that they cause hard feelings between the companies they represent and those to whom they are supposed to cater. Besides, they pay these men their salaries to look after the interests of the company, and not to conduct on the side private enterprises, which require a great deal of their time and attention. If these employees of theirs want to be in the theatre business, let them give up selling film; for to continue representing distributors while conducting theatres gives them an unfair advantage over the independent exhibitors. What other branch manager, for example, will refuse to hold his product for the branch manager of a friendly company, to the detriment of the interests of the competitor, an independent theatre owner?

If you have definite information to the effect that distributor employees are conducting theatres in competition with independent theatre owners, you are requested to send the information to this office. Do not send in mere rumors; be sure that either your information comes from reliable sources, or you have come to such conclusions from self-evident facts.



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No. 50

## Box Office Performances of 1935-36 and 1936-37 Pictures—No. 3

### RKO (Radio) Pictures

(1935-36 Season)

This company sold 46 pictures on the regular 1935-36 contract, and two in natural colors, or a total of 48 pictures. Up to "Wanted! Jane Turner," it delivered a total of 42, among which pictures is only one in natural colors—"The Dancing Pirate"; but there are more to come, in accordance with a statement of its Home Office.

The following are the box office performances of 40 of the 42 (No checkup was made of "Powder Smoke Range" and "Wanted! Jane Turner.")

Excellent, 3: "Top Hat," "Follow the Fleet," and "The Ex-Mrs. Bradford."

Excellent to Very Good, 1: "Swing Time."

Very Good, None.

Very Good to Good, None.

Good, 5: "Annie Oakley," "In Person," "The Lady Consents," "Let's Sing Again," and "The Bride Walks Out."

Good to Fair, 2: "I Dream Too Much" and "Mary of Scotland."

Fair, 9: "Seven Keys to Baldpate," "Sylvia Scarlett," "Love on a Bet," "The Witness Chair," "Special Investigator," "The Last Outlaw," "Walking on Air," "Don't Turn 'Em Loose," and "A Woman Rebels."

Fair to Poor, 7: "The Return of Peter Grimm," "We're Only Human," "Farmer in the Dell," "Murder on the Bridge Path," "Bunker Bean," "M'Liss," and "Grand Jury."

Poor, 13: "His Family Tree," "Hi Gaucho," "The Rainmakers," "To Beat the Band," "Another Face," "Two in the Dark," "Chatterbox," "Muss 'Em Up," "Yellow Dust," "Silly Billies," "Two in Revolt," "The Dancing Pirate," and "Second Wife."

Recapitulating the gradings without the titles, we get the following results:

Excellent, 3; Excellent to Very Good, 1; Very Good, None; Very Good to Good, None; Good, 5; Good to Fair, 2; Fair, 9; Fair to Poor, 7; Poor 13.

The number of first and second-rank star pictures released, regardless of their box office performances, are as follows:

Pictures with first-rank stars, 4; "Top Hat," "Follow the Fleet," and "Swing Time," all with the team of Fred Astaire and Ginger Rogers. (Each of these stars individually is not as big a drawing card at the box office as is the combination), and "The Ex-Mrs. Bradford," with William Powell.

Pictures with second-rank stars, 6: "Sylvia Scarlett," with Katherine Hepburn; "The Lady Consents," with Ann Harding and Herbert Marshall; "The Witness Chair," with Ann Harding; "Let's Sing Again," with Bobby Breen; "Mary of Scotland," with Katherine Hepburn, and "A Woman Rebels," with Katherine Hepburn. Miss Hepburn seems to have lost most of her drawing power. Her last picture—"A Woman Rebels," is doing very poor at the box office for a Hepburn picture. Ann Harding, too, does not seem to mean much to the box office any longer.

This paper does not class Lily Pons as a second-rank star yet, for her first picture, "I Dream Too Much," although entertaining, did not do so well. Perhaps "The Street Girl," just completed, will do better; but until it is released, we will not be able to know whether she has grown popular in any degree or not.

(1936-37 Season)

Of the new season's RKO product, HARRISON'S REPORTS can report only one just now—"Mummy's Boys," with

Wheeler and Woolsey"; the box office performance of it is poor, for the reason that these two players have lost their drawing power. They began to go down ever since they appeared in that coarse and vile picture, "So This is Africa," which was released by Columbia in 1933.

### Twentieth Century-Fox

(1935-36 Season)

In July, last year, Twentieth Century-Fox took over the Fox Film Corporation.

Before the amalgamation, Fox Film Corporation had sold a large number of contracts, calling for a maximum number of fifty pictures and a minimum number of forty. After the amalgamation, the program was split into two groups: Twentieth Century-Fox, again calling for a maximum number of fifty, or a minimum number of forty, pictures; and Twentieth Century, calling for a maximum number of twelve, or a minimum number of nine, productions.

The present check-up groups both brands, since no reason exists for treating them separately.

The following is a report of their box office performances:

Excellent, 10: "Steamboat Round the Bend," "Thanks a Million," "In Old Kentucky," "The Littlest Rebel," "King of Burlesque," "The Prisoner of Shark Island," "The Country Doctor," "Captain January," "Under Two Flags," and "The Poor Little Rich Girl."

Excellent to Very Good, None.

Very Good, 2: "Show 'Em No Mercy," and "Private Number."

Very Good to Good, 2: "Professional Soldier," and "A Message to Garcia."

Good, 10: "The Farmer Takes a Wife," "The Gay Deception," "Here's to Romance," "The Man Who Broke the Bank at Monte Carlo," "Paddy O'Day," "Every Saturday Night," "It Had to Happen," "Everybody's Old Man," "Gentle Julia," and "Little Miss Nobody."

Good to Fair, 7: "Charlie Chan in Shanghai," "This is the Life," "Way Down East," "Navy Wife," "Charlie Chan's Secret," "Charlie Chan at the Circus," and "36 Hours to Kill."

Fair, 12: "Welcome Home," "Dante's Inferno," "Metropolitan," "Your Uncle Dudley," "Here Comes Trouble," "The Song and Dance Man," "The Country Beyond," "Champagne Charlie," "Sins of Man," "The Crime of Dr. Forbes," "White Fang," and "Educating Father."

Fair to Poor, 6: "Bad Boy," "Music is Magic," "The First Baby," "Half Angel," "Human Cargo," and "High Tension."

Poor, 4: "Dressed to Thrill," "Redheads on Parade," "Thunder in the Night," and "My Marriage."

This checkup includes neither "A Connecticut Yankee in King Arthur's Court," which was a re-issue, nor the 4 George O'Brien pictures, which are the following:

"Thunder Mountain," "Whispering Smith Speaks," "O'Malley of the Mounted," and "Border Patrolman."

Recapitulating the gradings without the titles, we get the following results:

Excellent, 10; Excellent to Very Good, None; Very Good, 2; Very Good to Good, 2; Good, 10; Good to Fair, 7; Fair, 12; Fair to Poor, 6; Poor, 4.

This company delivered the following pictures with either first or second-rank stars, regardless of the worth of the pictures at the box office:

(Continued on last page)



### **"Winterset" with Burgess Meredith and Margo**

(RKO, Rel. date not set; time, 76 min.)

This tragic melodrama is powerful entertainment; it has been produced artistically, and is acted flawlessly by an excellent cast headed by Burgess Meredith, who played in the stage version in New York. But it is entertainment mostly for high class audiences. It will have to be sold to the masses because, for one thing, the players are not well known to the motion picture rank and file; for another, the intellectual dialogue will at times be lost on them. The sordid surroundings and the grim tragedy will tend to depress most people. There are, however, scenes so touching that they will bring tears to the eyes. Meredith's declaration of faith in the innocence of his father, who had been hanged for a murder he had never committed, is one such situation. The closing scenes, where the murderous gangster tries to kill Meredith and Margo, are thrilling. There is another scene that is tensely exciting; it is where a gangster, who had been shot and thrown into the river as dead, reappears, smeared with blood, seeking the man who had shot him. The romance between Meredith and Margo is deeply appealing:—

Meredith had been wandering for years in the vain hope of coming upon some evidence that would clear the name of his father, a radical but humane person, who, framed by gangsters, had been hanged for a crime he had not committed. He drifts into New York, an embittered soul; he cannot find peace until he satisfies himself that his father was innocent. He is strangely drawn to a dead end street at the foot of a bridge, where extremely poor families lived. Looking for Paul Guilfoyle, a gangster, who was supposed to know something about the case, he becomes acquainted with Margo, who lived on that street in a basement apartment with her father and brother; each one feels sympathy for the other. To this strange circle of people comes Edward Ellis, the judge who had sentenced Meredith's father, and who, driven by doubt, had lost his memory and had been wandering through streets telling people of his belief in the dead man's guilt. Meredith finally finds Guilfoyle's apartment, and to his surprise learns that Margo is his sister. He speaks to the judge who, too, had wandered into the apartment, but he cannot learn anything new until the next visitor arrives. He is Eduardo Ciannelli, the gangster, who had framed his father, and who was intent on killing every one who wanted to bring up the case again. The truth is blurted out by Guilfoyle, who later meets with death. Margo's father is wounded trying to protect Meredith. Through a mixup in signals, Ciannelli is killed by the bullet that was meant for Meredith. Meredith leaves the ugly street with Margo, happy that he now can walk the earth as a normal human being, for he had found out the truth about his father's innocence.

The plot was adapted from the stage play by Maxwell Anderson. Anthony Veiller wrote the screen play. Alfred Santell directed it and Pandro S. Berman produced it.

Hardly suitable for children. Good for adults. Class B.

### **"Three Smart Girls" with Binnie Barnes, Ray Milland and Deanna Durbin**

(Universal, December 20; running time, 83 min.)

Very good! The acting is so delightful that one loses sight of the fact that the plot is thin. Most of the credit for the entertaining quality of the picture must be given to thirteen year old Deanna Durbin, whose glorious voice and personality should endear her to the hearts of the masses. It is almost unbelievable that a girl of that age should have the poise and intelligence Deanna displays. Many comical situations arise when Deanna and her two sisters (played charmingly by Nan Grey and Barbara Read) decide to prevent their father (Charles Winninger) from marrying a gold digger (Binnie Barnes). One is held in suspense because of the many complications that arise. The acting of all the players is in keeping with the high quality of the picture:—

Nella Walker, who had been divorced from Winninger for ten years and was living in Switzerland with her three daughters, Deanna, Nan, and Barbara, is heartbroken when she reads that Winninger is going to marry Miss Barnes. The three girls, aided financially by their housekeeper, and without waiting for their mother's consent, set out for New York to stop the wedding. At first Winninger, who had not seen his daughters for ten years, is embarrassed and worried lest their presence disturb Miss Barnes; but later he does not care, for the girls, particularly Deanna, win his heart. The girls plan to introduce Miss Barnes to a penniless Count (Mischa Auer), whom they had engaged through John King, their father's assistant, and to tell her that he is extremely wealthy, so that she would become

interested in him. By a peculiar twist of circumstances, they mistake Ray Milland, an extremely wealthy young man, for the Count. Although he does not know what it is about, he plays along with them for he had fallen in love with Barbara, one of the daughters. Eventually Milland, by pretending to have fallen in love with Miss Barnes, induces her and her conniving mother (Alice Brady) to leave for England by promising to be on the same boat with them. They sail, but he does not. Instead, he proposes and is accepted by Barbara. King wins Nan, the other daughter, and Deanna is overjoyed when her mother, who had arrived from Switzerland, becomes reconciled with Winninger.

Adele Comandini wrote the story and screen play. Henry Koster directed it, and Charles R. Rogers produced it.

Suitable for all. Class A.

### **"Laughing at Trouble" with Jane Darwell**

(20th Century-Fox, December 18; time, 66 min.)

This picture will try the patience of any audience because of the lengthy speeches each character indulges in. The plot is unfolded by dialogue instead of by action. Jane Darwell awakens some sympathy by her efforts to help others, but her constant chattering spoils things; the audience becomes tired of listening to her, even though it is not her fault. The closing scenes are fairly exciting. The comedy is provoked by the antics of the small town characters. An appealing romance is worked into the plot:—

Miss Darwell, editor of a small town newspaper, is incensed when the jury finds Alan Lane guilty of murder. She contends that they had been so prejudiced that they had refused to listen to favorable testimony. Lane escapes from jail and rushes to Miss Darwell's home, where his sweetheart (Delma Byron), Miss Darwell's niece, lived. Miss Darwell realizes that Lane had done a silly thing in escaping, and promises to hide him until she can get him safely back to jail. James Burke, the Sheriff and Miss Darwell's friend, knows that Lane is hiding in Miss Darwell's home. Not wanting to see her involved, Burke, by a ruse, gets Lane out of his hiding place into the open. John Carradine, a deputy, shoots at him against Burke's orders. Miss Darwell insists that Lane be brought into her home; Carradine objects to this and resigns. He incites the people of the town urging them to break down Miss Darwell's door and take the prisoner. They are led by Sara Haden, the former housekeeper of the murdered man. Miss Darwell is suspicious of Miss Haden. By a ruse she proves that Lane is innocent and that the murder had been committed by Miss Haden's lover.

Adelyn Bushnell wrote the story, and Robert Ellis and Helen Logan the screen play. Frank R. Strayer directed it and Max Golden produced it. In the cast are Lois Wilson, Pert Kelton, and others.

Suitable for all. Class A.

### **"Career Woman" with Claire Trevor and Michael Whalen**

(20th Century-Fox, December 18; time, 77 min.)

Good program entertainment. Although it starts out primarily as a comedy, it develops into an interesting melodrama, and holds one's attention to the end. There are several tensely dramatic situations; they take place in a courtroom where Claire Trevor, as a lawyer, pleads for the life of Isabel Jewell, who was being convicted not on legitimate evidence but on what the bigoted townsfolk believed she had done. Miss Jewell awakens deep sympathy by her desire not to besmirch the character of Eric Linden, even at the cost of her own freedom. The comedy is provoked by the manner in which Michael Whalen, a clever trial lawyer, pulls courtroom tricks to his advantage. Both he and Miss Trevor make their respective roles believable; their romance is developed in a gay manner:—

Miss Trevor, a graduate lawyer, refuses to believe Whalen's statement that trickery is necessary in trial work; she believes in the ethics of her profession. She goes to her home town to live with her uncle, hoping to practice law there. But she finds that they resent her, particularly because she is a woman lawyer. When Miss Jewell's tyrannical father is killed in a fall from the garret where he had followed his daughter to beat her for having been out with a man, she is held for murder. Miss Trevor decides to represent her. But she is unable to fight against the bigotry and hatred of her former friends, and Whalen, who rushes to her assistance, starts pulling some of his tricks and finally berates the country folk for their narrow-mindedness and stupidity. This gives Miss Trevor her chance; she apologizes for Whalen's actions and then, in a natural and simple manner, presents the facts, pleading for Miss Jewell's life. Her plea brings Eric Linden, Miss Jewell's sweetheart and son of the district attorney, to his senses.



He rushes to her defense by stating he was the man involved, and that there had never been anything wrong in their relationship. Miss Jewell is freed. And Miss Trevor decides to marry Whalen.

Gene Fowler wrote the story, and Lamar Trotti the screen play; Lewis Seiler directed it, and Sol M. Wurtzel produced it. In the cast are Virginia Field, Guinn Williams, Edward S. Brophy, and others.

Suitable for all. Class A.

### **"The Plainsman" with Gary Cooper and Jean Arthur**

(Paramount, January 1; time, 110 min.)

Using the background of the colorful days of "Wild Bill Hickok" and "Buffalo Bill," Cecil B. DeMille has produced a Western that has thrills, comedy, and romance; it is entertainment that should appeal to the masses, particularly to men. The scenes of fighting between General Custer's men and the hostile Indians are depicted thrillingly; one is held in tense suspense during these scenes, because of the almost hopeless battle that the soldiers are compelled to put up against terrific odds—lack of ammunition, of medical care, and of men. Gary Cooper is excellent in the part of Wild Bill Hickok; he makes him a believable and noble character, one with whom the spectator is in deep sympathy. His romance with "Calamity Jane" (Jean Arthur) is developed delightfully and humanly. It is a subdued romance, in keeping with the Hickok character. Some of the situations build up to a thrilling climax. One such situation is where Calamity Jane, unable to watch the Indians torture Hickok, gives away the secret of the trail being used by Buffalo Bill and the soldiers to bring reinforcements to the fighting soldiers; this brings about Hickok's release. The brutal slaughter of most of the men, who were taken by surprise by the Indians, is pathetic. Hickok's contempt for Calamity's weakness makes her unhappy; but she shows strength of character when she tells General Custer of her actions. Hickok's efforts on behalf of the people who had branded him a murderer and misunderstood him bring about his death, for at the end he is shot in the back by a member of Charles Bickford's gang; Cooper was ready to turn them over to the soldiers for having sold rifles to the Indians. The comedy is provoked by the bickering between Calamity and Hickok, for she could not get him to admit that he liked her; also when Hickok teases Buffalo Bill for having lost his individuality by getting married. The average spectator may be disappointed at the unhappy ending, but it is in keeping with history.

The plot was adapted from stories by Frank Wiltach and Courtney Riley Cooper. Waldemar Young, Harold Lamb, and Lynn Riggs wrote the screen play. Cecil B. DeMille produced it and directed it. In the cast are James Ellison as "Buffalo Bill," Helen Burgess as his wife, and Porter Hall, Paul Harvey, Victor Vareeni, John Miljan, and others.

Suitable for all. Class A.

### **"General Spanky" with Spanky McFarland and Phillips Holmes**

(MGM, December 11; running time, 70 min.)

This will do as entertainment for children on Saturday afternoons. It should bore adults for it is no more than a two-reel comedy stretched to feature length. Some of the situations are dragged out considerably in order to give the picture more footage; for instance, the scenes that show Spanky handing chicken to his colored friend, who was hiding under the table, only to have the chicken snapped up by a dog, are repeated several times. The love affair, which was inserted as a concession to adults, and the serious side of the plot, are of little help so far as adults are concerned, for they cannot be taken seriously. The picture has a few laughs, which are provoked by the familiar antics of the members of the "Our Gang" company, particularly by Carl Switzer and Spanky. The background is the South during the Civil War days.

Richard Flournoy, Hal Yates and John Guedel wrote the story and screen play. Fred Newmeyer and Gordon Douglas directed it, and Hal Roach produced it. In the cast are Billie Thomas, Robert Middlemass, Louise Beavers, and others.

Good for children. Class A.

### **"King of Hockey" with Dick Purcell and Anne Nagel**

(Warner Bros., December 19; time, 54½ min.)

Aside from a few exciting scenes showing a hockey game in which Dick Purcell (hero) participates, this is

mediocre program entertainment. The story is routine and is developed without one novel idea. The spectator knows in advance just what is going to happen and how the story will culminate. One feels some sympathy for Purcell and Anne Nagel (heroine), but this is not enough to hold one's attention:—

Purcell, leading player on a professional hockey team, is approached by George E. Stone, a gambler, who urges him to throw games. Purcell refuses and warns Stone to stay away from him. Purcell's pal (Wayne Morris), who had seen him talking to Stone, is suspicious. Purcell receives an envelope containing a one thousand dollar bill; it had come from Stone. Morris sees this and, not knowing that Purcell had later returned the money, gets into an argument with him during a game and hits him over the head with a hockey stick. This impairs Purcell's eyesight, and spoils his game. He does not tell any one of this. The captain of the team, believing that Purcell had sold out to the gamblers, throws him out. Purcell goes blind and disappears. Morris finds him and, realizing what had happened, endeavors to straighten things out. Purcell's sight is restored after an operation. He is reinstated on the team, and wins the plaudits of the crowd. Miss Nagel promises to marry him.

George Bricker wrote the story and screen play. Noel Smith directed it. Marie Wilson, Joseph Crehan, Gordon Hart, and others are in the cast.

Morally suitable for all. Class A.

### **"Rembrandt" with Charles Laughton**

(London Films-United Artists, December 4; time, 84 min.)

Fairly good. No fault can be found with the production, for it is exceedingly fine in every detail; it is obvious that great care and expense went into producing the authentic and lavish background. The photography is superb; at times one has the feeling that one is looking at an exquisite painting. And the acting is uniformly good, with Laughton, as Rembrandt, the artist, predominating. But it is in the story where the producers have fallen down—it is rambling and lacks dramatic power; Laughton goes into long speeches that at times are stirring and at other times dull. The most interesting events in Rembrandt's career are just sketched over. And the transition from one period of his life to another is handled too abruptly. As it stands, it is a picture that should entertain mostly cultured audiences, for it lacks mass appeal.

Carl Zuckmayer wrote the story, and Lajos Biro and Carl Zuckmayer the screen play. Alexander Korda directed and produced it. In the cast are Edward Chapman, John Clements, Sam Livesay, and others.

The affairs are handled delicately and are not offensive; therefore, suitable for all. Class A.

### **"The Plot Thickens" with James Gleason and Zasu Pitts**

(RKO, December 11; time, 68 min.)

An interesting murder mystery melodrama of program grade; the action is fast. Zasu Pitts, in the part of the amateur detective (formerly played by Edna May Oliver), teams up well with James Gleason. Their bickering and outwitting of each other provoke many laughs. Several situations are fairly exciting and hold one in suspense. The solving of the mystery is worked out in a logical manner, particularly the way in which Gleason goes about trapping the criminals. A slight romantic interest has been worked into the plot; but it has no bearing on the story:—

Richard Tucker, while out riding with Louise Latimer, is shot to death by some one who had been lurking in the bushes in the park where he had stopped the car. Miss Latimer is terrified and rushes to her sweetheart, Owen Davis, Jr., with whom she had quarreled because of his jealousy concerning Tucker. He puts Tucker back into his car and drives it back to the dead man's garage, where he leaves it. Gleason, the police inspector, is called into the case and is annoyed when Miss Pitts follows him and insists on helping. She picks up many valuable clues. Their investigation leads them to a museum, where another murder occurs and a valuable Cellini cup is stolen. Gleason and Miss Pitts order the museum closed and in that way round up the gang, including Tucker's murderer. Tucker had been connected with an international gang of art thieves and had double-crossed them; for that reason he was killed.

Stuart Palmer wrote the story, and Jack Townley and Clarence U. Young the screen play. Ben Holmes directed it and William Siström produced it. In the cast are Arthur Aylesworth, Barbara Barondess, and others.

The murders make it unsuitable for children. Good for adults. Class B.



Pictures with first-rank stars, 9: "Steamboat Round the Bend," with Will Rogers; "In Old Kentucky," with Will Rogers; "The Littlest Rebel," with Shirley Temple; "Professional Soldier," with Freddie Bartholomew and Victor McLaglen; "The Country Doctor," with the Dionne babies; "Captain January," with Shirley Temple; "Under Two Flags," with Claudette Colbert, Ronald Colman, and Victor McLaglen; "Private Number," with Robert Taylor and Loretta Young; and "The Poor Little Rich Girl," with Shirley Temple.

The exhibitor, however, must bear in mind the following: The void created by the death of Will Rogers has not been filled by another actor of the same drawing power; Robert Taylor is not a Fox star, but was merely borrowed for this picture, and it is doubtful whether MGM would let him appear in another picture of some other company—the same is true of Freddie Bartholomew; the Dionne babies are placed in the first star rank, because they drew well in their first picture, but they do not deserve either such or a second-rank classification for future pictures. Shirley Temple's last picture, "Dimples," is not going over very big.

Pictures with second-rank stars, 5: "The Farmer Takes a Wife," with Janet Gaynor; "The Man Who Broke the Bank at Monte Carlo," with Ronald Colman; "King of Burlesque," with Warner Baxter; "It Had to Happen," with George Raft; and "The Prisoner of Shark Island," with Warner Baxter.

#### (1936-37 Season)

"To Mary with Love," with Myrna Loy and Warner Baxter: Very Good to Good. A few reports had it as Fair.

"Charlie Chan at the Race Track," with Warner Oland: From Good to Fair. The Charlie Chan series are always anywhere from Good to Fair at the box office, regardless of their quality, which is, in nearly every instance, from good to fairly good.

"Girls' Dormitory," with Simone Simon, Herbert Marshall and Ruth Chatterton: Good.

"Sing Baby, Sing," with Alice Faye and Adolphe Menjou: Very Good..

"Star for a Night," with Claire Trevor and Jane Darwell: Fair. The players don't mean much to the box office.

"Road to Glory," with Fredric March, Warner Baxter, and June Lang: Very Good to Good.

"Pepper," with Jane Withers and Irvin Cobb: Good. Jane Withers seems to be gaining popularity, but the appearance of Irvin Cobb, though he is an intellectual man, stands against him.

"King of the Royal Mounted," with Robert Kent and Rosalind Keith: From Fair to Poor. The players don't mean much to the box office.

"Back to Nature," with the Jones family: Fair to poor. Although it is the best of the American Family series, it did not draw.

"Ramona," with Loretta Young, photographed in colors: Good. This case and other cases prove conclusively that color does not mean anything to the box office. This picture would have done just as much business without the colors.

"Thank You, Jeeves!" with Arthur Treacher: Fair. Though the picture is fairly enjoyable, it did not draw well at the box office. Mr. Treacher is a fine actor but he must be publicized to be made known to the picture-going public. In any event, he is an excellent character actor.

"Ladies in Love," with Loretta Young, Janet Gaynor, Constance Bennett, and Simone Simon: Good. The story is poor, handicapping the stars.

"Dimples," with Shirley Temple: The reception of this picture has been varied, for the reports from five hundred theatres range anywhere from excellent to poor. The division is as follows: 20% Excellent; 20% Very Good; 21% Good, and the remaining divided evenly between Fair and Poor. Since the story is entertaining, there is only one explanation—this young star is beginning to lose her popularity somewhat, perhaps because she is growing older. This paper hopes that these deductions are wrong, for the industry cannot afford to have its stars lose popularity too soon.

"Pigskin Parade," with Stuart Erwin, Patsy Kelly, and Jack Haley: From Very Good to Good.

"Fifteen Maiden Lane," with Claire Trevor, Cesar Romero, and Lloyd Nolan: From Good to Fair. The players do not mean a great deal to the box office.

Grouping the first fifteen of the 1935-36 season, and comparing them with the first fifteen of this season, we get the following results:

Last season: Excellent, 1; Excellent to Very Good, None; Very Good to Good, None; Good, 3; Good to Fair, 3; Fair, 3; Fair to Poor, 2; Poor, 3.

This season: Excellent, None; Excellent to Very Good, None; Very Good, 1; Very Good to Good, 3; Good, 5; Good to Fair, 2; Fair, 2; Fair to Poor, 2; Poor, None. "Dimples" is placed in the Good class.

#### United Artists

(1935-36 Season)

Twenty-four was the number of pictures this company announced for distribution in the 1935-36 season, but it released only fourteen.

The following are the findings as to their box office performances:

Excellent, None.

Excellent to Very Good, None.

Very Good, 2: "The Dark Angel," with Fredric March, Merle Oberon, and Herbert Marshall; and "These Three," with Miriam Hopkins, Merle Oberon, and Joel McCrea.

Very Good to Good, 4: "Strike Me Pink," with Eddie Cantor; "The Ghost Goes West," with Robert Donat; "Modern Times," with Charles Chaplin; and "Little Lord Fauntleroy," with Freddie Bartholomew.

Good, 1: "Barbary Coast," with Miriam Hopkins, Edward G. Robinson, and Joel McCrea.

Good to Fair, 1: "Things to Come," with a British cast.

Fair, 3: "Red Salute," with Barbara Stanwyck and Robert Young; "Splendor," with Miriam Hopkins and Joel McCrea; and "One Rainy Afternoon," with Francis Lederer and Ida Lupino.

Fair to Poor, 2: "Melody Lingers On," with Josephine Hutchinson and George Houston; and "I Stand Condemned," with an English cast.

Poor, 1: "An Amateur Gentleman," with Douglas Fairbanks, Jr.

Recapitulating the gradings without the titles, we get the following results:

Excellent, None; Excellent to Very Good, None; Very Good, 2; Very Good to Good, 4; Good, 1; Good to Fair, 1; Fair, 3; Fair to Poor, 2; Poor, 1.

The number of pictures which this company has delivered with either first or second-rank stars, regardless of the box office performances of such pictures, is as follows:

Pictures with first rank stars, 8: "The Dark Angel," with Fredric March, Merle Oberon, and Herbert Marshall; "Barbary Coast," with Miriam Hopkins, Edward G. Robinson, and Joel McCrea; "Strike Me Pink," with Eddie Cantor; "Modern Times," with Charles Chaplin; "The Ghost Goes West," with Robert Donat; "These Three," with Miriam Hopkins, Merle Oberon and Joel McCrea; "Little Lord Fauntleroy," with Freddie Bartholomew, and "Splendor," with Miriam Hopkins and Joel McCrea.

In the case of Freddie Bartholomew, the exhibitor must remember that he was borrowed for this picture in exchange for a director, whom David Selznick lent to MGM, but it is very doubtful whether MGM will let him out again.

Pictures with second-rank stars, 1: "Red Salute," with Barbara Stanwyck.

#### (1936-37 Season)

"The Last of the Mohicans": Good.

"Dodsworth," with Walter Huston, Mary Astor, and Ruth Chatterton: Very Good to Good.

"The Gay Desperado," with Nino Martini: Good.

### SUPPORT THE ALLIED MOVEMENT TO SEPARATE EXHIBITION FROM PRODUCTION

W. A. Steffes and H. M. Richey, two of the Committee of three who have charge of the legislation to separate theatres from production, were at the Ohio exhibitors' convention in Columbus last week. They made their usual appeal to the exhibitors for financial support, and the amount they asked for was oversubscribed three times.

Steffes and Richey are neglecting their own business to bring success to this movement, which will benefit you as much as it will any other exhibitor. The least you can do then is to give them the financial support they need.

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No. 51

## Box Office Performances of 1935-36 and 1936-37 Pictures—No. 4

### Universal

(1935-36 Season)

This company offered for sale for the 1935-36 season 36 regular pictures and 6 Buck Jones westerns. Up to "Yellowstone," released August 30, it delivered 22 regular pictures and all the westerns, leaving 14 regulars to deliver. The Home Office states that it will release more in the 1935-36 season.

The results shown by the check-up are as follows:

Excellent, None.

Excellent to Very Good, None.

Very Good, 1: "Three Kids and a Queen."

Very Good to Good, 2: "Diamond Jim," and "Love Before Breakfast."

Good, None.

Good to Fair, None.

Fair, 8: "His Night Out," "Stormy," "The Great Impersonation," "Don't Get Personal," "Nobody's Fool," "Parole," "Crash Donovan," and "Postal Inspector."

Fair to Poor, 7: "Storm Over the Andes," "King Solomon of Broadway," "The Affairs of Susan," "The Invisible Ray," "Dangerous Waters," "Dracula's Daughter," and "Yellowstone."

Poor, 4: "Fighting Youth," "Remember Last Night," "Sweet Surrender," and "East of Java."

Recapitulating the gradings, we get the following results:

Excellent, None; Excellent to Very Good, None; Very Good, 1; Very Good to Good, 2; Good, None; Good to Fair, None; Fair, 8; Fair to Poor, 7; Poor, 4.

The number of pictures this company has delivered with either first or second-rank stars, regardless of their performances at the box-office, are the following:

Pictures with first-rank stars, None.

Pictures with second-rank stars, 3: "Diamond Jim," with Edward Arnold; "Remember Last Night," with Edward Arnold and Robert Young; and "Love Before Breakfast," with Carole Lombard.

The westerns are not included in this check up.

(1936-37 Season)

"My Man Godfrey," with William Powell and Carole Lombard: Excellent.

"Two in a Crowd," with Joan Bennett and Joel McCrea: Fair. These two players draw fair crowds.

"The Sea Spoilers," with John Wayne and Nan Grey: Fair. The players don't mean much to the box office.

"The Girl on the Front Page," with Edmund Lowe and Gloria Stuart: Fair. The players, though capable actors, are only fair drawing cards.

"The Magnificent Brute," with Victor McLaglen: Good. Mr. McLaglen may be safely considered as a second-rank star. But he is not a regular Universal star.

"The Man I Marry," with Doris Nolan and Michael Whalen: Fair. Miss Nolan seems to have good promise, but she is not known yet.

"Four Days' Wonder," with Jeanne Dante: It has not played in many spots yet, but the few reports that have been received are not very glowing.

### Warner Bros. Pictures

(1935-36 Season)

This company offered for the 1935-36 season thirty pic-

tures, three of which were to be western melodramas; it has delivered them all.

The following performances at the box office by its pictures have been revealed by the check-up:

Excellent, 1: "The Charge of the Light Brigade."

Excellent to Very Good, None.

Very Good, 1: "Frisco Kid."

Very Good to Good, None.

Good, 6: "Special Agent," "Dr. Socrates," "Dangerous," "Petrified Forest," "I Married a Doctor," and "Green Pastures."

Good to Fair, 6: "Little Big Shot," "Page Miss Glory," "Miss Pacific Fleet," "Colleen," "Sons o' Guns," and "Public Enemy's Wife."

Fair, 5: "Personal Maid," "Stars over Broadway," "The Widow from Monte Carlo," "Boulder Dam," and "Times Square Playboy."

Fair to Poor, 8: "I Live for Love," "Freshman Love," "Man Hunt," "The Walking Dead," "The Big Noise," "Hot Money," "Jail Break," and "Satan Met a Lady."

Poor, None.

In the case of "Green Pastures," let me say that the reports received varied widely: Some of them had the picture as having performed at the box office Very Good, some Good, some Fair, while some others had it as Poor. So that this department compromised by giving it the grade Good. Though it is an ambitious production, the picture-goers of the rank and file walk out on it; the people to whom it appeals most are the "high-brows."

Recapitulating the gradings without the titles, we get the following results:

Excellent, 1; Excellent to Very Good, None; Very Good, 1; Very Good to Good, None; Good, 6; Good to Fair, 6; Fair, 5; Fair to Poor, 8; Poor, None.

The westerns are not included in this check-up.

The number of pictures this company has delivered with either first or second-rank Warner Bros. stars, regardless of their performances at the box office, are as follows:

Pictures with first-rank stars, 4: "Dr. Socrates," with Paul Muni; "Frisco Kid," with James Cagney; "Petrified Forest," with Leslie Howard; and "The Charge of the Light Brigade," with Errol Flynn.

Pictures with second-rank stars, 5: "Page Miss Glory," with Marion Davies; "Special Agent," with Bette Davis and George Brent; "Dangerous," with Bette Davis and Franchot Tone; "Sons o' Guns," with Joe E. Brown; and "Satan Met a Lady," with Bette Davis.

(1936-37 Season)

"The Bengal Tiger," with Barton McLane, June Travis, and Warren Hull: Fair. The story is trite and the players mean very little as far as the box office is concerned.

"Give Me Your Heart," with Kay Francis and George Brent: From Very Good to Good. It is proving a picture more for high-class audiences than for the rank and file.

"Midsummer Night's Dream," the Shakespearean whimsical verse play, with James Cagney, Joe E. Brown, Dick Powell, and others: The reports on this picture vary from Very Good to as low as Poor. It is a highly artistic production, one that cost Warner Bros. about two million dollars, but it is not entertainment for the masses. Even school children yawned at it when taken to see it by their school teachers. The intensive publicity has helped it draw in

(Continued on last page)



### "Rainbow on the River" with Bobby Breen and May Robson

(RKO, December 25; time, 88 min.)

Good mass entertainment. It is a sentimental comedy-drama, with an appeal particularly to women and children. Bobby Breen's voice has lost none of its quality and he should more than please audiences with his singing. His acting, however, and his gestures when he sings at times appear theatrical. Several situations stir the emotions, bringing tears to the eyes. The most moving scenes are those in which Louise Beavers, the colored woman who had brought Bobby up from infancy, comes to realize that she must part with him. One feels deep sympathy for Bobby when he arrives at his grandmother's home, only to find every one hostile towards him. The comedy is pleasant. There is no love interest in the story:—

Bobby, who had been brought up by Miss Beavers, a colored mammy, from infancy, does not know who his parents were. But Henry O'Neill, a priest, had his suspicions and compels Miss Beavers to tell him. He learns that Bobby is the grandson of May Robson, a wealthy New Yorker, and gets in touch with her. Bobby's parents, who had owned Miss Beavers, had died during the Civil War. Miss Robson sends her nephew (Alan Mowbray) to investigate the matter. Benita Hume, Mowbray's wife, warns him not to bring Bobby back because she feared he might interfere with her plans for her own child. But Mowbray is so certain that Bobby is Miss Robson's grandson that he disobeys his wife's orders. Miss Hume and her child make life miserable for Bobby and Miss Robson treats him coldly. She does not believe he is her grandson and tells Miss Hume to make arrangements to send him away. But she eventually relents and goes down South with Bobby to visit Miss Beavers, who had become ill from lonesomeness. Miss Beavers convinces her that Bobby is her grandson, and Miss Robson is happy. She takes Miss Beavers to New York where she can be near Bobby.

The plot was adapted from the novel "Toinette's Philip," by Mrs. C. V. Jamison. Earle Snell, Harry Chandler and William Hurlburt wrote the screen play. Kurt Neumann directed it and Sol Lesser produced it. In the cast are Charles Butterworth, Marilyn Knowlden, Lillian Yarbo, and others.

Suitable for all. Class A.

### "Great Guy" with James Cagney

(Grand National, December 26; 73½ min.)

Very good. It is no less entertaining than any of the last several Cagney pictures that were produced by Warner Bros. There is comedy, fast action, and one is held in tense suspense throughout. Though it should please every one of the Cagney fans, it should appeal to young folk and to children immensely, for Cagney is a real hero. The closing scenes, which show Cagney beating Gleckler badly, should make children stand up and cheer:—

James Cagney is appointed Chief Deputy in the Department of Weights and Measures of a big city to stamp out the racket of short-measuring. Selecting a few trusted men from his department, he raids several stores and hands tickets to the proprietors. Robert Gleckler, head of the racketeers, attempts to bribe him, but Cagney throws him out of his office. Henry Kolker, a supposedly reputable business man but really the brains of the racket, presses the Mayor, whom he controls, to get Cagney out of the way by promotion; but Cagney, informing the Mayor that he knows who is back of it all, gives him notice that he intends to stick it out until either he drives the racketeers out of business or sends them all to jail. The racketeers, in desperation, kidnap him, put him in a car, pour whiskey over his clothes, and conveniently arrange for an accident, in which he is injured. He is arrested and accused of driving while in an intoxicated condition. The police refuse to accept his explanation, and Gleckler, who wanted to ingratiate himself with Cagney, arrives and has him set free. But Cagney continues after the racketeers. Obtaining documentary evidence, he hails the leaders into court. But before the trial, Kolker has the papers stolen from him. Mae Clark believed that Kolker, for whom she worked as secretary, was an honest man, and since she could not induce Cagney, to whom she was engaged, to lay off him, she breaks their engagement. But Cagney eventually succeeds in recovering the documents; thus he is enabled to prove the guilt of the racketeers. Since Miss Clark by this time had found out that Cagney was right, she becomes reconciled with him.

The plot has been founded on the *Saturday Evening Post* story "Johnny Cave." The screen play is by Henry

McCarthy, Henry Johnson and James Edward Grant. John G. Blystone directed it and Douglas McLean produced it. Some of the others in the cast are James Burke, Edward Brophy, Edward McNamara and Edward Gargan.

Good for the entire family. Class A.

### "Born to Dance" with Eleanor Powell and James Stewart

(MGM, November 27; running time, 104 min.)

Eleanor Powell's dancing, some good tunes, and a lavish production, particularly the finale, put this picture in the money class. The plot is thin and the action slows up considerably when the story becomes serious; but as soon as the music and dancing start, particularly when Miss Powell begins performing intricate dance routines with the utmost of ease, everything else is forgotten. She is surrounded by a group of competent performers—Buddy Ebsen, James Stewart, Sid Silvers, Frances Langford, Una Merkel, and Virginia Bruce, who help to make the picture entertaining. There is comedy and romance in addition to the songs and dances. One of the outstanding comedy scenes is where Reginald Gardiner, a policeman, conducts, with many flourishes, an invisible orchestra. All in all, it is what the rank and file undoubtedly want:—

Silvers, a sailor, rushes to see his wife, Miss Merkel, whom he had not seen for four years. Stewart and Ebsen, his buddies, go with him. Miss Merkel, who had married Silvers after a hasty romance and had forgotten what he looked like, is disappointed when he makes his appearance; she decides to wait before she tells him that they have a child. In the meantime, Stewart meets Miss Powell and falls in love with her. She is unhappy when she reads about his affair with Miss Bruce, a prominent actress, not knowing that it was all a publicity stunt engineered by Alan Dinehart, a press agent, who had brought Miss Bruce aboard the submarine where Stewart was stationed. Stewart compels Dinehart to give Miss Powell a place in his new show, making her Miss Bruce's understudy. By a clever plan, he works matters so that Miss Bruce refuses to appear on opening night and Miss Powell is given her place. She naturally makes a tremendous hit. Stewart explains everything to her and they are reconciled. Miss Merkel decides that she likes Silvers only to find out that he had rejoined the Navy for another four years.

Jack McGowan, Sid Silvers, and B. G. DeSilva wrote the story, and Jack McGowan and Sid Silvers the screen play. Roy Del Ruth directed it, and Jack Cummings produced it. In the cast are Juanita Quigley, Georges and Jalna, and others.

Suitable for all. Class A.

### "Night Waitress" with Margot Grahame and Gordon Jones

(RKO, December 18; time, 57 min.)

A fair program melodrama. There is nothing outstanding about it either in story or production values, but it will probably get by with audiences who like action pictures centering around gangster activities. One feels sympathy for Margot Grahame, who innocently becomes involved with gangsters, thereby endangering her life. The closing scenes are the most exciting; there the police capture the criminals and save Miss Grahame's life. The romance between Miss Grahame and Jones (hero) is fairly appealing.

Miss Grahame, a waitress in a waterfront cafe, is careful not to do anything that might be considered wrong, for she was out on parole. Although she tries to keep out of trouble she innocently becomes involved in a murder that is committed at the cafe. Knowing that Jones, a former rum-runner who had turned straight, was involved in some way, she refuses to tell the police what she knows. The murdered man had arranged with Jones to haul a cargo for him, without telling Jones what the cargo would be. Jones, with the help of Miss Grahame who wanted to prove her innocence, discovers that it was stolen gold he was to have taken. He finds the gold, which had been sunk underneath where his boat had been docked, and rushes to tell the police. The gangsters, thinking that the gold was on board his ship, take possession of the boat during Jones' absence, taking Miss Grahame as their prisoner. Jones and the police follow and round up the criminals. The gold is turned over to the police; Miss Grahame and Jones are cleared. They marry.

Golda Draper wrote the story, and Marcus Goodrich the screen play; Lew Landers directed it, and Joseph H. Steele produced it. In the cast are Vinton Haworth, Marc Lawrence, Billy Gilbert, and others.

Not for children. Adult entertainment. Class B.



### "Love in Exile" with Clive Brook and Helen Vinson

(Gaumont-British, November 15; time, 62 min.)

There is not much to recommend in this. The plot is thin, and up until the last reel the story is developed by dialogue instead of by action. Supposedly a drama, it occasionally lapses into farce, with poor results, for the comedy is so completely stupid that it is irksome. The story is unbelievable, and the players struggle with the poor material. Helen Vinson manages to awaken some sympathy by her efforts to help Clive Brook, the deposed King, win back his throne; the other characters, however, do nothing to win over the spectator. Even the love affair has been handled poorly—it is never realistic:—

Brook, King of a mythical kingdom, is forced to abdicate—a dictator, backed by two unscrupulous business men, had taken control. He leaves the country expecting his sweetheart (Miss Vinson) to follow; but she feels that she was partly responsible for his downfall and decides not to see him any more. Brook, penniless, believes that the money he was living on had come from pawning his possessions; he was unaware of the fact that it was supplied by Miss Vinson, who was living a secluded life in Holland. The two business men, tired of the Dictator's actions, decide to bring the King back. But at the last minute one of them has a change of heart and plots to have the King killed. Eventually Brook, with the help of the other business man and Miss Vinson, who had returned to help him, outwits his enemies and returns to his country, where he takes over the throne. His people greet him with cheers. He tells Miss Vinson that she must marry him.

Gene Markey wrote the story, and Ernest Betts and Roger Burford the screen play. Alfred Werker directed it. In the cast are Mary Carlisle, Ronald Squire, Cecil Ramage, and others.

Morally suitable for all. Class A.

### "More than a Secretary" with Jean Arthur and George Brent

(Columbia, December 24; time, 77 min.)

Just fair. The story is pretty thin and at times silly. And the laughs are provoked by racy dialogue rather than by plot; some of the remarks are pretty risqué. Jean Arthur is convincing and appealing in the role of the secretary; she awakens sympathy by her efforts to set George Brent straight. But Brent is presented as such a "sap" that one wonders why she is wasting her time on him. Even Lionel Stander, who usually is comical, fails to click because of poor material:—

Miss Arthur, co-partner with Ruth Donnelly in a secretarial school which they operate, is annoyed when Brent, editor of a health magazine, complains about the incompetence of the stenographers she had been sending to him. After an interview with him, she decides to take the position herself, and soon falls in love with him. He lives just as he preaches, by exercising, eating health food, and keeping away from night life. Miss Arthur soon makes a human being of him. With her help and suggestions, Brent finds that the magazine is becoming more popular. He becomes involved with a sexy blonde secretary, who wastes all his time. He stays away from the office, leaving Miss Arthur to shoulder all the work. She so resents his actions that she leaves. She and Miss Donnelly sell their school, buy a trailer, and start off on a cross-country tour. But Brent, who realized that he loved Miss Arthur and needed her, appeals to her through the magazine to return. His appeal is effective; she returns and accepts his marriage proposal.

Matt Taylor, Ethel Hill, and Aben Kandel wrote the story, and Dale Van Every and Lynn Starling the screen play; Alfred E. Green directed it and Everett Riskin produced it. In the cast are Reginald Denny, Dorothea Kent, Charles Halton, and others.

Children will not understand the double meanings of the dialogue, but adolescents will. Adult entertainment. Class B.

### "Pennies from Heaven" with Bing Crosby and Madge Evans

(Columbia, November 25; time, 81 min.)

If Bing Crosby's singing is enough to satisfy his fans, then this picture will go over, for he sings several good numbers in his customary style, and looks better than he looked in his last few pictures. The story is, however, somewhat far-fetched and the action, particularly in the first half, quite slow. Nor does the background lend itself to a lavish production; as a matter of fact the settings are ordinary. The devotion of Crosby and of little Edith Fellows towards each other provides the human interest. Their

efforts not to be parted by insistent public officers are the basis for a few exciting and comical situations. The romance between Crosby and Miss Evans is pleasant:—

Crosby, a wandering troubadour, upon his release from prison, looks up a family to whom he was to deliver a letter given to him by a cellmate who had been electrocuted. He finds the family, consisting of Edith and her grandfather (Donald Meek), without any means of support. Crosby learns that his cellmate had killed Edith's father and, in order to make up to the family for the wrong he had done, had deeded them his home in New Jersey. Crosby insists that they live in the house, which is dilapidated. Madge Evans, a social service worker, in charge of Edith's case, tells Crosby that, unless he can prove that he can support Edith, she would be put into an orphanage. Crosby, by obtaining credit from many merchants on the promise of partnership, turns the house into a night club. But he is compelled to close the place after the first night because his only customers are his partners, who refuse to pay. Edith is taken to an orphanage while Crosby is away. When he returns he tries to steal her out of the institution but is unsuccessful. He berates Miss Evans for having taken Edith away, without realizing that she had been against it and had even resigned her position. When he does learn of this, he looks for Miss Evans, finds her, and apologizes. They decide to marry and adopt Edith.

Katharine Leslie Moore wrote the story and Jo Swerling the screen play; Norman Z. McLeod directed it, and Emanuel Cohen produced it. In the cast are Louis Armstrong and his band, John Gallaudet, William Stack, and others.

Suitable for all. Class A.

### "Banjo on My Knee" with Barbara Stanwyck and Joel McCrea

(Twentieth Century-Fox, December 4; time, 94½ min.)

Good! It is different from the general run of pictures; and, in spite of the fact that there isn't much to the story, it holds one's attention throughout by virtue of novelty of settings and characterizations. The beginning is a bit slow; but once the characters are established, the homespun quality of the story becomes evident and one settles down to enjoy it. Music is an important feature and it is so interpolated that it does not slow up the action. There are some excellent comedy bits, and a few good fights. One feels sympathy for the leading characters, who get into difficulties because of misunderstandings. The romance is developed in a charming and at the same time comical manner. Special mention must be made of the performance by Walter Brennan. In his capable hands he makes what would have been a silly character a loveable one:—

Miss Stanwyck, a land girl, marries Joel McCrea, one of the river folk, much to the disgust of Katherine de Mille, one of the river girls, who loved McCrea. On the wedding night, Victor Kilian, a common land man, comes to pay his respects and insists on kissing the bride. McCrea punches him and throws him into the river. Thinking that Killian had drowned, McCrea is compelled to run away and is gone for six months. On the night of his return, he gets into an argument with his wife. She is so annoyed that she leaves with Walter Catlett, a land man. This breaks the heart of Brennan, McCrea's father, who wanted to hold a grandchild in his arms before he died. McCrea goes after Miss Stanwyck, but is unable to find her; he ships off for another few months. Miss Stanwyck, after having arrived with Catlett, finds that she cannot stay with him and leaves, taking work as a dishwasher in a riverfront cafe. To this cafe comes Brennan who, with his peculiar musical contraption, makes a hit with the patrons. Miss Stanwyck is overjoyed to see him. She stays on with him as an entertainer. Anthony Martin, a singer, falls in love with her. McCrea returns and, owing to a misunderstanding, again starts a quarrel and parts from his wife. Miss Stanwyck is now determined to go away with Martin, but is unexpectedly thrown into McCrea's arms by Miss de Mille, who had planned to part them. The lovers are reconciled, much to Brennan's joy.

Harry Hamilton wrote the story, and Nunnally Johnson the screen play. John Cromwell directed it and Nunnally Johnson produced it. In the cast are Buddy Ebsen, Helen Westley, Minna Gombell and others.

Children will not understand the sex implications, but adolescents will. Therefore, each exhibitor has to use his own judgment. Good for adults. Class B.

**Harrison's Reports extends to its readers and subscribers the greetings of the season.**



many spots, but the results are not commensurate with the efforts. It would be wise if the producers refrained from making pictures out of the plays of Shakespeare.

"Isle of Fury," with Humphrey Bogart, Margaret Lindsay and Donald Woods: Fair. The players do not mean much to the box office.

"Cain and Mabel," with Clark Gable and Marion Davies: From Good to Fair. The trouble with it is the fact that the story is inane.

### LOCK THE BARN DOOR NOW!

According to the December 1 issue of the Philadelphia *Exhibitor*, the City Council of Toms River, New Jersey, denied a license to Walter Reade, a prominent theatre operator in this territory, to build a theatre in that town, on the ground that he had not obtained a preliminary permit from the department of labor of the state.

While Reade was out trying to get such a permit from the department of labor, the city council passed an ordinance prohibiting the erection of a theatre of more than two hundred seats within three hundred feet of a church or school; and since the property Reade had bought was within that limit, he was barred from such a license.

At a later meeting Reade obtained a permit to erect his theatre, but the ordinance would prohibit him from operating it.

Reade's attorney has indicated that he will seek a writ of certiorari, on the ground that the ordinance is discriminatory in view of the fact that the Traco Theatre is operating although it is within three hundred feet of a school. The property Reade had bought is within a few doors of the Traco.

It is assumed that the matter will be fought in the courts.

The hitch in this case occurs because the ordinance was passed after the exhibitor had announced the erection of a theatre, purchasing a plot of ground for the purpose. The ordinance may stand, but it would have had a better chance had it been passed before the announcement of the possibility of the erection of a competing theatre.

I am calling this case to your attention so that, in case your council contemplates passing an ordinance relating to the number or location of new theatres in your town, you may urge speedy action, for if an ordinance is passed after the announcement of the erection of a new theatre is made, the ground is laid for litigation. The person or party who contemplated the erection of the new theatre may claim that the ordinance is discriminatory, in that it was passed merely to shut him out and not to provide protection for the people of that community. On the other hand, where an ordinance is passed, such as the one that was passed in Toms River, or as the one that was recommended in the May 16, 1936, issue of HARRISON'S REPORTS, there can be no claim of discrimination.

Don't lock the barn door after the horse runs away!

### ABOUT THE OPERATION OF THEATRES BY EMPLOYEES OF DISTRIBUTORS

The campaign this paper has undertaken to drive distributor employees from competing with exhibitors in the theatre field is bringing results. I have had the assurance of the MGM home office that it will compel any employee of theirs who might be operating a theatre to give up his interest in such a theatre, and I intend to call the attention to the different New York home offices to whatever facts are submitted to this paper proving that any distributor employee is operating a theatre.

My desire is to concentrate mostly on the cases where the distributor employees are operating theatres in competition with independent exhibitors, for the reason that, in situations of this kind, the exhibitor gets the worst of the deal.

How can the independent exhibitor in such cases get a square deal when we know that the branch manager of no film company will refuse to favor the distributor employee as against the independent theatre owner?

I have been informed that, in the Minneapolis territory, a lot of funny business is going on: one particular distributor employee is in partnership with an exhibitor and, whenever this exhibitor goes into a given town, he takes away from the other exhibitors the product, even if they had been satisfactory accounts for many years.

I am investigating the matter further and the facts, when sifted, will be published in these columns, in addition to their being presented to the home offices for action.

Last week an exhibitor wrote me that Mr. Charles Kosco, Columbia salesman for the West Virginia territory, operates a theatre at Brockway, Pa., through his brother Joseph, and that Austin Interrante, 20th Century-Fox salesman, operates the Rowland, at Phillipsburg, Pa., through his son.

Just before going to press, I received confirmation of this information. I have been told that, though there is no other theatre at Brockway, the town is surrounded by towns of equal size, readily accessible by good roads; the exhibitors in the other towns, therefore, are suffering greatly through this unfair competition. Because of his position as a film salesman, Mr. Kosco runs the pictures new—"right out of the can." I have received confirmation also about the facts that Mr. Interrante owns the Rowland, at Phillipsburg. He has his son as well as a regular manager to look after the operation of the theatre.

If you know of cases where a distributor employee is operating a theatre, either as a silent partner or directly, communicate with this paper, giving all the facts in the case. Your name will not be mentioned.

### A PLAY DATE STRIKE ON MGM

On Monday, December 5, United Motion Picture Theatre Owners of Eastern Pennsylvania, Southern New Jersey and Delaware held a meeting and passed a resolution calling for a play-date strike as a protest against the high sales terms of the Metro-Goldwyn-Mayer sales department. The resolution was passed unanimously.

By this resolution, the exhibitors of the United States are asked to refrain from giving play-dates to the MGM branch offices for a full month. They are not asked to break their contracts with MGM, but only to defer executing them for thirty days.

The time of the play-date strike is from January 2, to January 31, 1937.

At Columbus, two weeks ago, Messrs. Al Lichtman and W. F. Rodgers, MGM executives, gave their version of the new terms. Mr. Lichtman spoke at the meeting and informed the exhibitors that the new terms have been made necessary by the constantly rising cost of production. He said that, during the 1935-36 season, they spent \$35,000,000 to produce their pictures, and that, with the \$5,000,000 they spent on prints and advertising, the expenditure amounted to \$40,000,000. "And all we have taken in from film rentals in the United States is \$35,000,000. If it were not from our receipts from foreign distribution and from our theatres, we would not have been able to produce pictures such as 'Mutiny on the Bounty' and the like."

The following day the convention voted a resolution rejecting Mr. Lichtman's justification for the high sales terms.

There is no question in my mind that, if an exhibitor were to show to his MGM branch manager that he has lost money with their pictures, he would get an adjustment. W. F. Rodgers has informed me that he has instructed his branch manager to settle all requests for adjustments without referring them to the Home Office. Few exhibitors doubt Mr. Rodgers' word; only that most exhibitors feel like beggars when they ask for an adjustment. Besides it is not good business.

Several years ago I pointed out to the exhibitors, through these columns, why they should not agree to an arrangement whereby they were to be given an adjustment in case they lost money with a particular product, for the reason that they put themselves under such a moral obligation to the exchanges that they can never successfully resist acquiescing to terms they know that are too burdensome. If they should persist upon standing on their grounds, the distributor representative would tell them: "Didn't we take care of you last season? What are you afraid of? If our pictures should lose you money, again we will make good." And so the vicious practice continues years after year, and year after year the exhibitor learns to depend on the good will of the exchangeman to pull him out of the hole.

An additional reason why the exhibitor should not accept such an arrangement is the fact that the other companies are encouraged to demand similar terms; and once the 40-35-30% system is well established, with the consequent high prices for the product of the lower brackets, his investment will not be worth two cents.

For the sake of peace and harmony in the industry, HARRISON'S REPORTS suggests that the high terms of MGM be readjusted: MGM can be prosperous only if its customers are prosperous.



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## The Producer Concessions to the Independent Exhibitors

Commenting on the concessions some of the major producers have already announced as willing to grant to the exhibitors, *Variety*, in its December 16 issue, says the following:

"If the Motion Picture Theatre Owners of America can get the various major distributors to make better concessions toward exhibitors than already indicated by 20th Century-Fox, United Artists and Universal, leaders believe the skids may be automatically placed under a lot of the usual anti-film legislation which crops up yearly in Washington as well as in various states. The contention is that if the distributors themselves will grant theatre owners a reasonable amount of relief, giving the impression that the intra-industry troubles are being ironed out from within, much less force will be given to legislation of one kind and another from block booking up to Federal control.

"Ed. Kuykendall and other leaders in the MPTOA who have been assiduously trying to effect trade practice reforms and set up suitable machinery for settlement of distributor-exhibitor disputes, have clearly indicated that they felt quick action rather than unnecessary delays would redound to the benefit of both sides from a legislative point of view. It is no secret that leaders have fondly hoped that the MPTOA 10-point trade practice program could be placed into effect, or, at least fully agreed upon before Congress goes into session. . . .

"Meantime, while the distributors are stalling on trade practices and, in cases where initial decisions have been reached, are granting only minor relief, fodder for the legislative mills is being gathered on wide and dangerous fronts. Efforts of exhibitor leaders to impress distributors with this fact have been none too successful, but they, the MPTOA spokesmen, have no hesitancy in predicting plenty of legislation this season unless heed is taken. The MPTOA itself will not put any legislation in motion, but that it will come from other sources is seriously threatened.

"MPTOA's rival national exhibitor organization, Allied States Association, promises to be as active in inspiring or pushing legislation as in the past. Allied in recent years has steamed up many organizations, such as the Parent-Teachers, women's clubs, W. C. T. U., church organizations and others, into being concerned over trade practices and other problems of a strictly inter-industry nature. Concessions under the MPTOA 10-point program which would substantially reduce complaints of many years and would at the same time lessen the incentive of not only Allied but many non-film organizations from putting the pressure on at Washington or elsewhere.

"Not satisfied with what U., U.A. and 20th-Fox have indicated that they are willing to grant under the 10-point program, the MPTOA is pressing these complaints to reconsider the initial decisions they reached."

The article is so clear as to the motive that is prompting Ed. Kuykendall to bring pressure upon the producers to grant reforms, and that is inducing the producers to grant such reforms, that any comment on *Variety's* article is superfluous. I may only add that, what I said in the November 14 issue of HARRISON'S REPORTS, under the heading, "The Reason Why the Producers May Grant Reforms," was fully justified. In that article, I said that if Landon had been elected, it would be the last you would have heard of Ed. Kuykendall's 10-point program, but because Roosevelt had been elected, I would not be surprised if the producers granted some concessions so that they might fool the Government as well as the lawmakers of the legislatures in which bills may be introduced on behalf of the theatre owners to bring about industry reforms by legislation.

The whole thing seems to have been engineered by the Hays Association with the connivance of MPTOA which,

as you all know, is its subsidiary. In such a situation little, if anything, should be hoped for without governmental pressure. And the object is to grant some, what would appear, reforms, so that they might say to the Government: "We need no intra-industry reforms; we have already granted the necessary reforms voluntarily to remove the causes for independent exhibitor complaints. If more reforms are needed, we'll grant them." Perhaps the suggestion for these concessions has been made by some one in Washington, just as such a suggestion has been made to the Hays forces from that city, as I have been informed, to resort to, what are called, "Administrative Adjustments," or some such name, by which exhibitor complaints are referred to the Hays association for adjustment, contrary to all precedents, by which complaints of this nature have been and are taken care of judicially. This ought to convince every independent exhibitor that relaxation of his efforts in bringing about reform by legislation will prove ruinous to his interests.

If you have not yet taxed yourself ten cents for each seat in your theatre or theatres, to be paid to Mr. James Ritter, treasurer of the Exhibitor Defense Committee, the business of which is to see that a bill is introduced in your state making it unlawful for producers to control, own or operate theatres, the amount to be paid either at once, or in ten equal monthly installments, do so at once. You have read elsewhere in this issue that Paramount, even though it has now approximately 1,500 theatres, has decided to buy more; and the more theatres Paramount and the other producers buy or acquire control of, the harder will be your lot. You cannot compete successfully with a competitor who owns or controls fifteen hundred or more theatres, when there is no law that will prevent him from gobbling up all the product, going so far as to buy more pictures than he needs or as to keep them away from you. If competition has not yet touched you, do not feel too secure; unless something is done, a competitive theatre may be erected in your locality. In such an event, your investment will not be worth two cents.

Whatever money you may give to the Exhibitor Defense Committee will be like paying the premiums on a policy of insurance—the insurance of your income and of your entire investment.

If you belong to an exhibitor organization and your officers have not yet invited Messrs. Steffes and Richey to address the members, speak to the secretary so that an invitation may be sent to these two exhibitor leaders. Each of them has a way of explaining the purpose of the Defense Committee so clearly that, wherever they have had an opportunity to speak to exhibitor assemblies, the quotas set for their territories have been oversubscribed. The Committee needs money to carry on the battle for separation of exhibition from production-distribution, and each dime pledged to this movement will help the committee to employ every available aid to accomplish its object. So send your check to Mr. James Ritter, Rialto Theatre, Detroit, Michigan, the minute you finish reading this article.

## ABOUT DISTRIBUTING EMPLOYEES OPERATING THEATRES

From Pittsburgh comes the additional information to the effect that Joe Kaufman, branch manager of Universal, is operating the Brookline Theatre in Pittsburgh.

I have written to Jimmy Grainger to let me know if it is the policy of his company to allow some of its salesmen or branch managers to operate theatres. In that letter, I called his attention also to the film salesman of Universal who is operating a theatre in the Minneapolis zone.

(Continued on last page)



**"That Girl From Paris" with Lily Pons,  
Gene Raymond and Jack Oakie**  
(RKO, January 1; running time, 103 min.)

Excellent! Pandro S. Berman again shows smart showmanship. He has blended art and ingredients for mass appeal. As a matter of fact, comedy predominates. And Miss Pons' voice is heard to better advantage in this than in her first picture; audiences should be thrilled when in the closing scenes she sings an aria from "The Barber of Seville." Miss Pons is not compelled to carry the burden of the entertainment herself; she is at all times surrounded by able comedians, who bolster up the story whenever it looks as if it might lag. One of the most amusing situations is that in which Jack Oakie, in an effort to stop Miss Pons from marrying the man she did not love, sings his plea to her in a soprano voice to the strains of the music being sung by the choir. The romance is pleasing:—

Miss Pons, realizing that she cannot marry her wealthy Parisian suitor (Gregory Gaye), who had shown an interest in furthering her career, runs away. Beng without funds, she accepts a hitch with Gene Raymond and falls in love with him at first sight. When she learns that he and the boys in his band are going to America, she stows away in their rooms. She is found there by the Captain and is locked up. She escapes when the boat docks and goes to Raymond's apartment. Raymond and his pals—Oakie, Mischa Auer, and Frank Jenks—are compelled to hide her because, if she were found, they would be jailed for aiding her. They accept an offer to play in a restaurant in New Jersey owned by Herman Bing. Miss Pons' glorious voice brings them fame. Tipped off by jealous Lucille Ball, the government men arrive to arrest Miss Pons but she escapes with her four pals. Angered when she learns that Raymond had cut cards with his friends as to who should marry her and thus keep her in America, she gives herself up to the officials. The four pals are put in jail. Her former fiance arrives to bail her out; she agrees to marry him. She secretly pays the fine for the release of her friends. Gaye obtains a contract for Miss Pons to sing at the Metropolitan, where she is acclaimed. Again she runs away from the altar and, following Oakie, who had been pleading with her not to marry Gaye is led to Raymond.

The plot was suggested by the story "Street Girl," by J. Carey Wonderley. Jane Murfin wrote the story, and P. J. Wolfson and Dorothy Yost the screen play. Leigh Jason directed it skilfully. Others in the cast are Patricia Wilder and Willard Robertson.

Suitable for all. Class A.

**"Living Dangerously" with Otto Kruger**  
(Gaumont-British, December 1; time, 69 min.)

With the exception of Otto Kruger, no other player in this British picture is known to the American public. The story itself is too slow and too tragic to be entertaining. And the thing that will undoubtedly be resented in many localities is the fact that an attempt is made to justify murder. Censor cuts make the action confusing at times. The most stirring situation is that in which the hero is tried by the Medical Association on a framed charge brought by the villain; he had accused him of acting in a manner unbefitting a doctor. The story is told in flashback:—

Kruger, a famous American physician, kills Lister, who had called at his home. He calls the District Attorney, his friend, confesses to the murder and then tells him the story leading up to it: Kruger had practiced in London with Lister as his partner. Lister, having incurred heavy gambling debts, sold drugs on the side. When Kruger discovered this, he broke the partnership. Lister then brought charges against Kruger, accusing him of having been intimate with his wife (Leonora Corbett). He used as his chief witness his nurse, who was also his mistress. Kruger's license was taken away from him, but Lister, because of the fact that he had sold drugs illegally, went to jail. Miss Corbett obtained a divorce and married Kruger. They went to America, where he started again and became famous. Lister, after his release from prison, arrived in America and called on Kruger to blackmail him. He demanded a renewal of the partnership. Kruger warned him he would kill him and threw him a gun to defend himself. Lister laughed at the threat. Kruger then killed him. The District Attorney arranges matters so as not to arrest Kruger.

Dudley Leslie and Marjorie Jeans wrote the original screen play. Herbert Brenon directed it. Others in the cast are Aileen Marson, Lawrence Anderson, and Eric Stanley.

The Legion of Decency has placed this on the "C" list. However, although it is not suitable for children or adolescents, it will not harm adults. Class B.

**"We Who Are About to Die" with Preston  
Foster, John Beal and Ann Dvorak**  
(RKO, January 8; time, 82 min.)

A strong prison melodrama. Without resorting to preachment, it is excellent propaganda against capital punishment. The plight of John Beal touches the spectator deeply, for it is shown at the very beginning that he had been framed into a murder charge, on which he is convicted and sentenced to be hung. One is held in suspense throughout, not knowing how his innocence would be proved. The closing scenes, in which the prisoners help Beal fight for time, are powerful; they leave one breathless. Although the death row scenes are of a familiar pattern, they are impressive as well as touching. The romantic interest is made an important part of the plot. Preston Foster wins the audience's admiration; he willingly sacrifices his future in the District Attorney's office to prove Beal's innocence:—

Criminals rob the payroll and kill the paymaster of the firm from which Beal had been discharged the day before. The murderer, by using Beal's car and working clothes, throws suspicion on Beal, who, arrested on circumstantial evidence, is tried, convicted, and sentenced to be hung. Miss Dvorak, Beal's sweetheart, convincing Foster, the district Attorney who had tried the case, of Beal's innocence, induces him to investigate the matter himself. This is against the wishes of crooked politicians and Foster is discharged. He falls deeply in love with Miss Dvorak, but this does not stop him from carrying on the investigation. He comes upon important clues and pleads with the Governor for more time; but it is denied him. On the day of the execution, the prisoners of death row, led by Paul Hurst, cleverly carry through a jail break, their purpose being, not to escape, but to give Foster enough time to obtain a confession from the murderer, whom he had finally captured. The confession is obtained by Foster, and Beal is pardoned. He leaves for California with Miss Dvorak.

The plot was adapted from the novel by David Lamson. John Twist wrote the screen play. Christy Cabanne directed it and Edward Small produced it. In the cast are Russell Hopton, J. Carroll Naish, Frank M. Thomas, and others.

It is pretty strong for children, and the robbery and murder makes it unsuitable for them. Good for Adults. Class B.

**"Captain Calamity" with George Houston  
and Marian Nixon**

(Grand National, November 22; time, 65½ min.)

This adventure melodrama, photographed in the Hirl-color process, is just moderately entertaining. The color doesn't help the far-fetched plot very much; as a matter of fact it hurts the eyes and tends to tire the spectator. George Houston tries quite hard to make the title role an engaging one, and to some extent he does; he sings fairly well and acts convincingly. But the story is slow; it is not until the closing scenes that anything exciting happens. In those scenes there is a pretty good fight, which should appeal to men. The romance is pleasant:—

Houston, a happy-go-lucky adventurer, owner of a South Sea lugger, finds himself without funds. When a casual acquaintance gives him an ancient Spanish goldpiece, he decides to spread a rumor amongst the natives of the tropical island where he had docked that he had found kegs of Spanish doubloons; he hoped thereby to obtain credit for supplies. His scheme works; Louis Natheaux, who ran the trading post, promises to finance him in return for some of the gold pieces. Houston meets Marian Nixon, who was living temporarily at the home of his doctor friend, Crane Wilbur. She tells him that her father had been murdered and that she suspected Natheaux, who owed her father \$20,000. Natheaux, who believed that Houston had barrels of doubloons aboard his ship, sets out with thugs to overpower him and his men, to get the gold. He is accompanied by Roy D'Arcy, the brutal owner of the village saloon. But Houston traps them, and forces D'Arcy to confess that he had killed Miss Nixon's father at the request of Natheaux. Houston finds the note showing that Natheaux owed the money. He turns the men over to the authorities, and then sets out with Miss Nixon in search of her former fiance, believing that she still loved him. To his joy he finds that the man is already married, and that Miss Nixon knew this. She had led him on because she loved him, and wanted to be on his ship with him.

Gordon Young wrote the story, and Crane Wilbur the screen play. John Reinhart directed it, and George A. Hirlman produced it. In the cast are Vince Barnett, Juan Torenza, Movita, and others.

Not harmful for children. Suitability, Class A.



### "Accused" with Dolores Del Rio and Douglas Fairbanks, Jr.

(*Criterion-United Artists, January 8; time, 84 min.*)

This is a British-made picture and the players, with the exception of the two stars, are all English. It is a mildly entertaining program murder melodrama. The action is slow; most of the story is developed by dialogue. The courtroom scenes at the close, which show Dolores Del Rio being tried for murder she had not committed, hold one in suspense, for the murderer's identity is not disclosed until the very end. The trial scenes, however, are a bit tiresome. The back-stage atmosphere is no novelty to American audiences. Miss Del Rio and Fairbanks, Jr., awaken the spectator's sympathy; but they are hampered by poor material.

Miss Del Rio and Fairbanks, Jr., dancers, are happily married. They are overjoyed when they are engaged as specialty dancers in a Parisian musical show of which Florence Desmond is the star. Miss Desmond, angry because Fairbanks, Jr., had refused to have an affair with her, insults them and orders their dismissal. That night she is found murdered, having been stabbed through the heart with a knife belonging to Miss Del Rio, which she used in her act. Naturally she is arrested. Things look bad for her at the trial, until Basil Sidney, her attorney, brings out a confession from the real murderer—the stage-door watchman, whom he had put on the stand as a witness. He had entered Miss Desmond's dressing room to steal her money, when she appeared suddenly. Frightened, he threw the knife at her and killed her. Miss Del Rio is freed.

Zoe Akins wrote the story, and Miss Akins and George Barraud the screen play; Thornton Freeland directed it. Not for children. Suitable for adults. Class B.

### "Sing Me a Love Song" with James Melton, Patricia Ellis and Hugh Herbert

(*First National, January 9; time, 78½ min.*)

Although this musical picture stars James Melton, the singer, it is Hugh Herbert who raises it above the level of ordinary entertainment. Each time he appears, spectators will find cause for laughter because of his eccentricities as a millionaire kleptomaniac. And when patrons leave the theatre they will remember and talk about the scene in which Herbert, playing four parts,—of the kleptomaniac, of the two brothers, and of his own father, goes through some of his tricks. Melton has a pleasant voice, and a pretty good personality. The production is good, but the plot is routine. The love affair is pleasant, though not exciting:—

Melton, millionaire playboy, decides to buckle down to work. Under an assumed name, he becomes a clerk in the music department of his own department store. There he meets and falls in love with Patricia Ellis, his co-worker. He gets into many embarrassing situations in trying to prevent the disclosing of his identity. Finally he finds it necessary to make his plans known and calls his workers together. Miss Ellis, thinking he had made a fool of her, leaves. By following a plan which she had suggested, Melton saves the store from bankruptcy and from the clutches of his two managers, who had conspired against him. He eventually finds Miss Ellis and tells her he really loves her; they are reconciled.

Harry Sauber wrote the story, and Sid Herzig, and Jerry Wald the screen play, Raymond Enright directed it. In the cast are Allen Jenkins, Zasu Pitts, Nat Pendleton, Ann Sheridan, Walter Catlett, and others.

Suitable for all. Class A.

### "Charlie Chan at the Opera" with Warner Oland and Boris Karloff

(*20th Century-Fox, Jan. 15; time, 67 min.*)

This maintains the high calibre set for the Charlie Chan pictures, and is sure to please the masses. It combines music with melodrama cleverly, using as the background an opera house, where the murders are committed during a performance. It is to Warner Oland's credit that the role of Charlie Chan is still so engaging. He is so natural and restrained that whatever he does seems plausible. He uses ingenuity in solving the murder, surprising most spectators. The efforts of Key Luke, as Chan's son, to help his father solve the mystery are comical as in the other pictures. The romantic interest has no bearing on the plot:—

Karloff, an inmate in an asylum whose identity is unknown, shows a great love for operatic music. By reading an item in a newspaper announcing the arrival in town of a famous soprano (Margaret Irving), he suddenly recalls who she is and remembers that Miss Irving, who was his wife, and her lover had plotted to murder him by

locking him in his dressing room and setting fire to it; they left him as dead. He escapes from the asylum and rushes to the opera house, where he hides. His presence is discovered by Nedda Harrigan, the wife of Miss Irving's lover, who hated the lovers for the humiliation she had suffered at their hands. She tells no one of Karloff's presence. In the course of events Miss Irving and her lover are stabbed to death. Oland, who had gone to the opera house knowing that Miss Irving's life was in danger, undertakes the investigation. Karloff is caught and the blame is naturally put on him. But Oland proves otherwise; he presents evidence showing that the murders had been committed by Miss Harrigan, who had hoped to pin the blame on Karloff.

Bess Meredyth wrote the story, and Scott Darling and Charles S. Belden the screen play. H. Bruce Humberstone directed it and John Stone produced it. In the cast are Charlotte Henry, Thomas Beck, Gregory Kaye, and others.

The murders make it unsuitable for children. Good for adults. Class B.

### "Beware of Ladies" with Donald Cook and Judith Allen

(*Republic, December 21; time, 62 min.*)

A satisfactory program melodrama. It moves at a fast pace and holds the spectator's attention to the end. The closing scenes are particularly exciting; there the crooked politicians who had tried to frame Donald Cook, the candidate for District Attorney, are caught in their own trap. Both Cook and Judith Allen awaken sympathy because of their courage to fight for justice in the face of stiff opposition from racketeers. The story is developed in a logical manner; although it is somewhat sordid, dealing as it does with blackmailing and frameups, it never involves the leading characters in anything that is wrong. It has romantic interest and some comedy:—

Miss Allen, star reporter, is assigned to handle the campaign news regarding Cook, who was running for District Attorney. He objects to some of her publicity stunts but soon realizes that she is of great help to him. Miss Allen leaves her husband (George Meeker), a shiftless spendthrift whom she had been supporting. Russell Hopton, publisher of a blackmail sheet, is ordered by Cook's opponent to get something on Cook. Hopton, who knew that Meeker was wanted by the police in another state, compels him to sign a complaint charging Cook with alienation of his wife's affections. Miss Allen is heartbroken, realizing that she might be the cause of ruining Cook's career. She insists that Meeker stop the suit. Meeker is killed by Hopton's henchmen when he tries to withdraw from the proceedings. Cook traps Hopton, his men, and his political opponent and turns them over to the police. After he is elected, he marries Miss Allen.

L. C. Dubin wrote the original screen play. Irving Pichel directed it and Nat Levine produced it. In the cast are William Newell, Dwight Frye, and others.

Unsuitable for children. Adult entertainment Class B.

### "Hats Off" with Mae Clarke and John Payne

(*Grand Nat'l., Nov. 29; time, 65½ min.*)

A mildly entertaining program picture, with music. Using the Dallas and Fort Worth expositions as the background, the story starts off well, but it gradually peters out. Some of the situations seemed forced, and the dialogue is stilted. The action is slow because of an overabundance of dialogue. Very little novelty has been used in the development of the plot. Mae Clarke tries hard to make her part effective, but she, as the others, is hampered by poor material. The romance is fairly appealing:—

Miss Clarke, publicity agent for one of the expositions, meets and falls in love with John Payne, publicity agent for the rival exposition; he does not know who she really is. By double-crossing him, she obtains a contract from a millionaire whom Payne had been contacting, by which he promises to book a show to be put on at her exposition by a famous theatrical producer (Luis Alberni). When Payne learns what she had done he denounces her. She resigns from her position. Alberni arrives; he feels sorry for Miss Clarke. In order to help her win Payne back, he signs up with Payne's people instead of Miss Clarke's people. Payne forgives her; they become reconciled.

Sam Fuller and Edmund Joseph wrote the original screen play. Boris Petroff directed and produced it. In the cast are Skets Gallagher, Franklin Pangborn, and others.

Suitable for all. Class A.



In reference to Austin Interrante, who is operating the Rowland, at Pittsburgh, the following are some comments that I have received in last week's mail:

"He (Interrante) has secured a long term lease on the entire building in his name, using his son as the local manager. Contracts are signed by Austin Interrante, Manager and Lessee."

Another letter comment as follows:

"Up until a month ago, his (Interrante's) son was house manager, but at the present time a local man, Mr. Richard Wilson, is house manager."

"It is very unfair for Interrante to operate the Rowland and also sell Twentieth Century-Fox pictures, which he runs ahead of all the key-cities. He practically has the accessory department of Pittsburgh in Phillipsburg, and then returns same after showing a picture."

"This year at the buying season, he did all he possibly could to get the two major products his competitor has—Paramount and Warner-First National. He went so far as to take a trip to New York for the purpose."

I am writing to John D. Clark in an effort to find out whether his company permits its salesmen and branch managers to engage in operating theatres for themselves while in the employ of the company. I have been led to believe, however, that it does not permit it.

From Akron, Ohio, comes the information that M. A. Mooney, branch manager for Warner Bros. in the Cleveland exchange, and F. H. Hathaway, a salesman out of the same exchange, have leased and are operating the Allen, in Akron; and that Nate Schultz, manager of Selected Pictures Corporation, of Cleveland, has leased and is operating the Paramount Theatre, at Akron, Ohio, and the Pastime Theatre, at Barberton, Ohio.

In reference to Mr. Mooney, while I was in Columbus a few weeks ago, I was told that he was operating that theatre with the knowledge and consent of the Warner Home Office. I am trying to verify this and whatever information I receive will be printed in these columns for your information and guidance.

But lately Mr. Mooney did something that aroused the independent exhibitors of Akron: he lowered the prices of admission to his theatres. As a result of this move, the members of the Akron Independent Theatre Owners Association, at a meeting held by them December 10, passed a resolution protesting against this reduction. In a letter to Gradwell Sears, General Manager of Vitagraph, Inc., Mr. Deetjen, Secretary of the organization, said partly:

"How can your company justify increases in film rentals to Independent exhibitors when you make it harder for us to increase admissions, which we must in order to exist?"

I have not yet been informed what answer Mr. Sears has given to Mr. Deetjen, and what action he contemplates taking. When I receive such information I shall print it in these columns.

If you know of any other film salesmen or branch managers who are operating, or have an interest in, theatres, let me know. It is necessary that this matter be thrashed out, for a film man, when he is operating a theatre, is in a position to take unfair advantage of his competitors, independent theatre owners: with so many friendships, he has no trouble in getting what he wants, to the detriment of the interests of the independent exhibitors.

From what I have found out, the Home Offices do not look with favor upon any employees of theirs operating theatres, and if such matters were to be brought to their attention I am sure that the violators of this policy will be made, either to give up their theatres, or their jobs.

By the way, I have received a letter from Neil Agnew, General Manager of Paramount, reading as follows:

"Mr. L. W. Hummell, salesman in the Minneapolis territory, is not involved in any theatre project whatsoever, nor is it the policy of this company to permit its employees in the Department of Distribution to operate or be interested in motion picture theatres, whether competitive or otherwise."

## PRODUCERS RESUMING BUYING OF THEATRES

I read in the December 5 *Film Daily* the following news item by Arthur W. Eddy, Associate Editor:

"Paramount is again going after theatres in an expansion move of national proportions."

"Coupled with definite strides being made in every phase of its operations, the company is inaugurating a campaign

to substantially increase its theatre interests, directly owned and controlled through partnerships, *THE FILM DAILY* was officially informed yesterday.

"No exact goal has been set and houses will be leased or built in situations where they will prove the most advantageous."

"Combined affiliated [Paramount] circuits at present aggregate 1,200 houses, it was declared, as compared with Paramount's present list of 1,500 theatres."

"Feeling among company executives is that, with the 'evil days' now passed, Paramount is going ahead full steam, intent upon producing top grosses and nets as well as top-notch pictures. . . ."

If anything were needed to convince every one of you that the buying of more theatres by producers is about to be resumed, it is furnished by this news item by Mr. Arthur Eddy, Associate Editor of *Film Daily*. The wisdom of the Allied convention in Columbus last May becomes, therefore, more evident. At that convention, a resolution was passed, as you no doubt know by this time, creating an Exhibitor Defense Committee, the object of which will be to induce the legislatures of as many states as possible to pass laws to compel the producers to give up operating theatres.

The resolution called for the collection of a \$250,000 fund, and it is up to you to see to it that this amount of money and more is collected.

In another editorial in this issue, details are given as to how you could do your bit, and where to send your contributions to this fund. Get busy!

## AN INTERESTING SITUATION

In last week's issue you were told that the exhibitors of Philadelphia have declared a play-date strike on MGM pictures; that is, play-dating of Metro pictures will be postponed for thirty days, from January 2 to 31.

Lewen Pizor, president of the Philadelphia exhibitor organization, expressed his belief that the Warner theatres would join in this strike. But Moe Wax, publisher of the *Film Bulletin*, having doubts that a major company would join independent exhibitors to bring a major distributor down to earth, went to Ted Schlanger, head of the Warner circuit in Philadelphia, and asked him whether his company would or would not join the strike. Mr. Schlanger was non-committal.

According to the same paper, a committee representing the exhibitor organization went to New York to confer with Joseph Bernhard, a general manager of Warner Theatres.

Personally, I am of the same opinion as Mr. Wax. If the Warner Theatres would join, it will certainly be the first time in the history of the picture industry that one of the outstanding major companies joined hands with independent exhibitors in a protest against unreasonable sales terms demanded by another major company.

## REPRODUCTION OF THIS PAPER'S REVIEWS IN NEWSPAPERS

For some years a weekly newspaper here and there published the HARRISON'S REPORTS reviews either in their entirety or in the form of extracts.

I have taken steps to put an end to these reproductions. January 1 is the deadline.

If any weekly or daily newspaper in your territory has been reproducing my reviews, please let me know.

## ALL HAIL RECOVERY!

(From Editor & Publisher—December 19)

"Watching the gay, animated faces of Christmas shoppers, and reading the ever growing flood of recovery news, it seems a far cry to the drab days of 1933, the breadlines, the despair and fear, the ominous cracking and settling of the entire economic structure."

"This week EDITOR & PUBLISHER in concrete, up-to-the-minute reports from dozens of cities, in statements from advertisers and advertising agency executives, adds compellingly to the news of recovery. The picture is almost unbelievably good in many of its aspects. The buying log jam is broken, a situation which those who depend for business on the printed word cannot fail to take advantage of."

"If this is recovery bought at a price, we think it was worth it. Managed or unmanaged economy, we like it!"

The jam at the department stores in New York City is such that sales are retarded; one can approach the counters only by elbowing his way to them.



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